THE
MYSORE GAZETTE.
Published by Authority.

BANGALORE, SATURDAY, OCTOBER 13, 1883.

PART IV.

Official Papers.

DRAFT

OF

A Regulation to amend the Law relating to the administration of Local Funds in the Territories of Mysore.

Preamble.

WHEREAS it is expedient to amend the law relating to, and to make better provision for, the administration of Local Funds in the Territories of Mysore, His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

Section 1.—(1). This Regulation may be cited "The Mysore Local Funds Regulation, 1884."

Local extent.

(2). It extends to the whole of the Territories of Mysore.

But nothing herein contained shall be deemed to affect the powers of a Municipal Board, or to confer any powers upon a Local Board within a Municipality.

Commencement.

(3). It shall come into force on the first day of April 1884.

Definitions.

Section 2.—In this Regulation, unless there be something repugnant to the subject or context:—

"Municipality" means a local area constituted a Municipality, and "Municipal Board" means the Board charged with the administration of the municipal affairs of such local area, in accordance with any law for the time being in force in Mysore.

"Local Cess" means any cess falling within the description of Clauses (1) and (2) of Section 39 of this Regulation.

A "Rate-payer" means any person who pays on his own account, any such cess in respect of property situate within the local area subject to the authority of a Local Board.

"District" includes the Sub-Division of a District administered for the time being by a Sub-Division Officer.

"Deputy Commissioner" includes the Officer in charge of the Sub-Division of a District.

"Taluk" includes the Sub-division of a Taluk for the time being in the charge of a Deputy Amildar.

"Amildar" includes a Deputy Amildar.

"Official year" means the period from the 31st March of one calendar year to the 31st March of the next calendar year.

"Government" means the Government of His Highness the Maharaja of Mysore.

Any word or expression which is defined in the "Mysore Land Revenue Regulation, 1884" and is not hereinbefore defined, shall be deemed to have the meaning given to it by that Regulation.

CHAPTER II.

CONSTITUTION OF LOCAL BOARDS.

Establishment of Local Boards.

Section 3.—For the administration of Local Funds a Local Board shall be established in every District and in every Taluk of every District.

Jurisdiction of Local Boards.

Section 4.—For the purposes of this Regulation, each Taluk Local Board shall have authority over the entire Taluk, and each District Local Board over the entire District, for which they are respectively established. Every Taluk Local Board shall be subordinate to the District Local Board of the District in which such Taluk is situated.

Members of Taluk Local Boards.

Section 5.—Every Taluk Local Board shall consist of—

(*a*) such *Ex-officio* members, if any, not exceeding in number one-third of the Board as the Government may, from time to time, declare to be members in virtue of their office; and

(*b*) such other members as may be either appointed by the Government or elected by rate-payers.

Power to Government to make rules regarding election.

Section 6.—(1). The Government may, by a notification in the official Gazette, direct that the members of any Taluk Local Board other than the *Ex-officio* members referred to in Clause (*a*) of Section 5 shall be elective, and shall make rules for regulating their election. Such rules may provide for—

(*a*) the division of the Taluk into circles, or of the inhabitants into classes, or both;

(*b*) the number of representatives proper for each circle or class;

(*c*) the qualifications of electors and of candidates for election;

(*d*) the registration of electors;

(*e*) the nomination of candidates, the time of election and the mode of recording votes; and

(*f*) any other matters relating to the system of representation and of election for which it may seem expedient to provide.

(2). The Government may, from time to time, amend the rules made under this Section, but any amendment made under this Sub-Section shall not take effect until six months after it has been published in the official Gazette.

Section 7.—Every District Local Board shall consist of—

Members of District Local Boards.

(*a*) such *Ex-officio* members, if any, not exceeding in number one-third of the Board as the Government may, from time to time, declare to be members in virtue of their office; and

(*b*) three members of every Taluk Local Board in the District elected by such Board from among its own members other than the *Ex-officio* members.

Section 8.—No person who is not a rate-payer and no person convicted of any non-bailable offence, or of well-known bad character, shall be appointed or elected a member of any Local Board.

Disqualifications.

Section 9.—(1). The term of office of an appointed or elected member of a Taluk Local Board shall, subject to the provisions of Sections 10, 11, and 12 of this Regulation, be three years.

Term of office of member of Board.

(2). The term of office of an elected member of a District Local Board shall be his term of office as a member of the Taluk Local Board by the members of which he has been elected.

(3). An outgoing appointed or elected member shall, if otherwise qualified, be eligible for re-appointment or re-election.

Section 10.—An appointed or elected member of a Local Board may resign by notifying in writing to the Government or to such officer as the Government appoints in this behalf, his intention to do so, and, on his resignation being accepted by or on behalf of the Government, or on the expiry of two months from the date of his notifying his intention to resign, he shall be deemed to have vacated his office.

Resignation of member of Board.

Section 11.—The Government may, from time to time, remove any appointed or elected member of a Local Board who ceases to be a rate-payer, or refuses to act, or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a criminal court to any such order, as implies, in the opinion of the Government, a defect of character which unfits him to be a member, or who, without sufficient excuse, neglects to be present at three consecutive meetings of the Board.

Removal of member.

Section 12.—If any appointed or elected member of a Local Board is appointed to a salaried office under the Board, he shall forthwith cease to be a member:

Member to vacate on appointment to salaried office.

Provided that—

(*a*) if the Board allots a salary to its President, he shall not for that reason cease to be a member; and

(*b*) travelling allowance granted under Section 34 to a member of a Local Board shall not be deemed to be a salary within the meaning of this Section.

Section 13.—(1). When the place of an elected member of a Local Board becomes vacant by the resignation or removal of the member under Section 10 or Section 11, or by reason [illegible] appointment to a salaried office

Filling of casual vacancies.

under Section 12, or by his death, a new member shall be elected, in manner prescribed, to fill the place.

(2). When the place of an appointed member of a Local Board becomes vacant as aforesaid, the Government may, if it thinks fit, appoint a new member to fill the place.

(3). A person appointed or elected under this Section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be eligible for re-appointment or re-election, if otherwise qualified.

Incorporation of Local Board.

Section 14.—Every Local Board shall be a body corporate by the name of "The Taluk Local Board" or "The District Local Board" as the case may be, shall have perpetual succession and a common seal, with power, subject to the provisions of this Regulation, to acquire and hold property, both movable and immovable, and to transfer any property held by it, and to contract and to do all other things necessary for the purposes of the discharge of its duty and may sue and be sued in its corporate name:

Provided that a Board shall not purchase or transfer any immovable property except in pursuance of a resolution passed at a special meeting and approved by the Government.

Time for Boards coming into existence.

Section 15.—A Local Board shall come into existence at such time as the Government may, by notification in the official Gazette, appoint in this behalf.

Consequences of establishment of Local Board.

Section 16.—When a Local Board comes into existence under Section 15 for any local area, the following consequences shall ensue, namely:—

(*a*) the Rules published in the Chief Commissioner's Notification No. 110, dated the 4th July 1874, shall cease to apply to such local area, but not so as to render invalid any thing done in accordance with it;

(*b*) the District Committee constituted under the aforesaid Rules shall cease to exercise any powers conferred, or perform any duties imposed, upon it by the aforementioned Rules within such local area;

(*c*) all property vested in the Government appertaining to any roads, schools, hospitals, dispensaries, tanks, wells, and all other institutions committed to the management of the said committee under the aforementioned Rules, shall vest in the said Local Board for the purposes of this Regulation, subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property.

It shall be competent to the Government, from time to time, to direct whether any such property as aforesaid shall vest in the District Local Board or in the Taluk Local Board having authority over such local area, and any such direction of the Government shall be conclusive;

(*d*) all debts and obligations incurred, whether on account of advances made by the Government to the said committees or otherwise, all contracts entered into and all matters and things engaged to be done by, with, or for the said committee in respect of such local area, shall be deemed to have been incurred, entered into or engaged to be done by, with or for the said Local Board;

(*e*) all sums due to the said committee shall be deemed to be due to the said Local Board.

(*f*) all suits or other legal proceedings, civil or criminal, instituted, or which might, but for the passing of this Regulation, have been instituted by or against the said committee, may be continued or instituted by or against the said Local Board;

(*g*) all rules or orders made under the aforesaid Rules, and all other rules, if any, in force and relating to any of the matters hereinafter dealt with, shall, so far as they are consistent with this Regulation, be deemed to have been made hereunder.

Power to vest property in Board.

Section 17.—The Government may, from time to time, by a notification in the official Gazette, direct that any property, movable or immovable, which is vested in the Government and which is situate in any local area under the authority of any Local Board, shall vest in such Local Board; and thereupon the property shall vest in such Board for the purposes of this Regulation, subject to all rights, if any, existing over, and all debts, liabilities and obligations, if any, affecting, the property.

Distribution of existing liabilities.

Section 18.—It shall be competent to the Government, from time to time, to direct whether the liability for any such debt or other obligation or any such contract, matter or thing as is described in Section 16, Clause (*d*), shall fall on the District Local Board or Taluk Local Board having authority in the local area in which such debt or other obligation was incurred, or such contract entered into or such matter or thing engaged to be done, or upon both, in such proportion as the Government may determine; and such direction of the Government shall be binding upon such Local Boards.

PRESIDENT.

President of Local Board.

Section 19.—The Amildar of a Taluk for the time being shall be the President *Ex-officio* of the Taluk Local Board of his Taluk.

The Deputy Commissioner for the time being shall be the President *Ex-officio* of the District Local Board of his District.

Notwithstanding anything herein contained, the Government shall have power to appoint any member of a Local Board its President.

Election of President.

Section 20.—The Government may, in its discretion, suspend, from a day to be specified, the operation of the last preceding Section as regards any Local Board, and direct such Local Board to elect a President from among its members at a special meeting, and upon such direction the Local Board shall elect its President accordingly.

Term of office of President.

Section 21.—The term of office of an elected or appointed President shall cease on the expiry of his term of office as a member of the Local Board for which he is elected or appointed.

An elected or appointed President shall be removable from office as such President for misconduct, neglect of, or incapacity to perform, his duty, either by resolution passed at a special meeting of the Board which elected him President, or if he was appointed President, by order of the Government.

Allowance to President.

Section 22.—An *Ex-officio* President shall not be entitled to any allowance in virtue of the office of President. But a Local Board may grant such allowance as it thinks fit to an appointed or elected President subject to the general orders of the Government in this behalf.

Section 23.—If a President elected by a Local Board dies, ceases to be a member of the Board, resigns his office, becomes incapable of acting or is removed from his office, the Board shall, at a special meeting, elect another of its members to be President.

Casual vacancies in office of President.

(2). If a President appointed by Government dies, ceases to be a member of the Board, resigns his office, becomes incapable of acting or is removed from his office, the Government shall appoint another President.

(3). A person elected or appointed under this Section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office and then shall go out of office, but may be again elected or appointed, if otherwise qualified.

Section 24.—All elections, appointments and removals of Presidents and members of Local Boards shall be notified in the official Gazette.

Notification of appointments.

Section 25.—The President of every Local Board shall be the executive officer of such Board. He shall conduct its correspondence and shall exercise the powers conferred, and execute the duties imposed, upon such Board under the provisions of this Regulation, in accordance with the special resolutions or general directions of such Board.

President, the executive officer.

CONDUCT OF BUSINESS.

Section 26.—(1). A Taluk Local Board shall, at least once in two months, and a District Local Board shall, at least once in six months, meet for the transaction of business on such day and at such place as may, from time to time, be fixed by the rules made under Section 35.

Time for holding meetings.

(2). The President may, whenever he thinks fit, and shall, on the requisition made in writing by not less than one-third of the members of any Local Board, call a meeting at any other time.

Section 27.—(1). A meeting of a Local Board shall be either ordinary or special.

Ordinary and special meetings.

(2). All matters of business, other than those required by this Regulation or the rules made under it to be transacted at a special meeting, may be transacted at an ordinary meeting.

Section 28.—(1). At every meeting of a Local Board the President, if present, shall preside as Chairman.

Chairman of meeting.

(2). If, when any meeting is held, the office of the President is vacant, or the President is absent from the meeting, the members present shall elect one of their number to be the Chairman of the meeting.

Section 29.—(1). The quorum necessary for the transaction of business at a special meeting of a Local Board shall be one-half of the whole Board:

Quorum.

Provided that, when the Board consists of less than six members, the quorum shall be three.

(2). The quorum necessary for the transaction of business at an ordinary meeting of a Local Board shall be such number, not less than three, as may, from time to time, be fixed by the rules made under Section 35:

Provided that, if, at any meeting of the Board, a quorum is not present, the Chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present, shall be brought before, and transacted by, the adjourned meeting whether there is a quorum present thereat or not.

Vote of majority decisive.

Section 30.—(1). Except as otherwise provided by this Regulation or by any rule made under this Regulation, all questions coming before any meeting of a Local Board shall be decided by a majority of the votes of the members present.

(2). In case of an equality of votes, the Chairman at the meeting shall have a second or casting vote.

Vacancy not to affect Board's proceedings.

Section 31.—During any vacancy in any Local Board, the continuing members may act as if no vacancy had occurred.

Resolutions to be recorded and published.

Section 32.—(1). Every resolution passed by a Local Board at a meeting shall be recorded in Canarese in a book to be kept for the purpose, shall be signed by the Chairman of the meeting or of the next ensuing meeting and shall be open at office hours at the Local Board Office for the inspection of any person applying to inspect the same.

The Government may direct that the resolution of any Local Board shall be published in some local English or Vernacular newspaper or in the official Gazette.

(2). Copies of all resolutions of a Taluk Local Board shall be submitted to the President of the District Local Board, for being laid before the District Local Board at its next meeting, as well as to the Deputy Commissioner of the District, if he is not the President of the District Local Board.

Copies of all resolutions of a District Local Board shall be submitted by the President to the Government direct or, if the Deputy Commissioner is not the President of the District Local Board, through the Deputy Commissioner.

Language of Board.

Section 33.—The discussions and proceedings of a Taluk Local Board shall be conducted and recorded in Canarese, and those of a District Local Board either in English or Canarese, as the District Local Board at a special meeting may, from time to time, decide:

Provided that, if the discussions and proceedings in a District Local Board are conducted and recorded in English, the Board shall provide for interpreting and translating them into Canarese for the benefit of members who do not understand English.

Travelling Allowance to members of Boards.

Section 34.—Appointed or elected members of Local Boards travelling to any place more than five miles distant from their villages for the purpose of attending any meetings held under the provisions of this Regulation, shall be entitled to be paid out of the Local Funds such travelling allowance as may, from time to time, be prescribed by Government.

Power to make rules as to conduct of business.

Section 35.—(1.) Every District Local Board and, with the previous sanction of such Board, every Taluk Local Board may, from time to time, at a special meeting, make rules consistent with this Regulation as to—

(*a*) the time and place of its meetings;
(*b*) the manner in which notice thereof is to be given;

(c) the quorum necessary for the transaction of business at ordinary meetings :

(d) the conduct of proceedings at meetings, and the adjournment of meetings ;

(e) the appointment of committees of the Board and the division of duties among them or among individual members of the Board;

(f) the persons by whom receipts may be granted on behalf of the Board for money paid under this Regulation ; and

(g) any other similar matters.

(2). Rules made under this Section shall be in accordance with the general orders of the Government in this behalf, and shall not take effect until they have been confirmed by the Government and published in the official Gazette.

OFFICERS AND SERVANTS.

Employment of officers and servants.

Section 36.—A Local Board may employ such officers and servants as may be necessary or proper for the efficient execution of its duties under, and subject to, the other provisions of this Regulation.

Power to Government to fix a scale of establishment and remuneration of officials.

Section 37.—(1.) The Government may prescribe the number and remuneration of officers and servants to be employed by each Local Board and may also prescribe rules regarding the qualifications requisite in the case of persons appointed to offices requiring professional skill.

(2). If a Local Board shall take the loan of an officer of the Government for employment under it for the purposes of this Regulation, it shall be bound by the conditions under which such officer shall have been lent regarding any contributions on account of his leave allowances, pension and gratuity.

CONTRACTS AND TRANSFERS OF PROPERTY.

Mode of executing contracts and transfers.

Section 38.—(1). The President of a Local Board may, on behalf of the Board, enter into any contract or agreement in such form and in such manner as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf : Provided that the amount or value of such contract shall not exceed fifty rupees in the case of a Taluk Local Board and rupees two-hundred in the case of a District Local Board.

(2). When a contract made by or on behalf of a Local Board exceeds in value or amount the sum of money specified respectively in Sub-Section (1), it must be in writing, and must be signed by the President and at least one other member of the Board.

(3). A transfer of immovable property belonging to the Board must be made by an instrument in writing, executed by the President and by at least two members of the Board.

(4). If any such contract or transfer is executed or made otherwise than in conformity with the provisions of this Section, it shall not be binding on the Board.

471

CHAPTER III.

TAXATION AND FUNDS.

Taxation.

Taxation.

Section 39.—It shall be lawful for the Government to levy for the purposes of this Regulation, in accordance with the rules hereinafter contained, in any District, all or any one or more of the following cesses and tolls, that is to say;—

(1). a cess not exceeding one anna on every rupee that is assessed to the ordinary Land revenue, or that would have been so assessable had there been no alienation of such revenue;

(2). a cess not exceeding one anna on every rupee of the Government Halat revenue levied on areca-nut;

(3). a cess not exceeding one anna on every rupee of Government Excise revenue derived under the Excise Act X of 1871;

(4). tolls upon carriages, carts and animals passing along any road or bridge in manner hereinafter provided:

(5). tolls upon all persons, animals, vehicles and other things using a public ferry in manner hereinafter provided.

Rules to be observed in assessing the cess on alienated villages.

Section 40.—In assessing the cess referred to in Clause (1) of the foregoing Section on alienated villages, the following rules shall be adopted:—

(1). If the village has been surveyed and assessed on the principles laid down in (Bombay) Act I of 1865, or "the Mysore Land Revenue Regulation, 1884," the cess shall be fixed on the total annual assessment of the village as ascertained by the survey officers.

(2). If the village has come under Inam settlement in accordance with the Mysore Land Inam Rules, the cess shall be fixed, until the village is brought under the preceding rule, on the total annual assessment as ascertained for the purposes of Inam settlement.

Recovery of cess from inferior holders.

Section. 41.—The provisions of the law relative to the assistance to be given to superior holders for the recovery of rent or land revenue from inferior holders or co-sharers shall be applicable to all superior holders in respect of the recovery of this cess from inferior holders or co-sharers.

Tolls to be levied on carriages, carts and animals entering roads, bridges, &c.

Section 42.—It shall be lawful for the Government, by notification in the official Gazette, to declare that tolls not exceeding the rates mentioned in Schedule A annexed to this Regulation shall be levied upon all carriages, carts and animals passing along any road or bridge within any District specified in such notification. The Deputy Commissioner of such District may thereupon construct toll-bars, gates and gate-keeper's stations at such places as the Government may sanction, and may place the collection of such tolls under the management of such persons as may appear to him proper: Provided that no more than one payment of toll shall be demanded for and in respect of any carriage, cart or animal in any one period of 24 hours counted from midnight to midnight.

472

In case of non-payment of tolls, vehicle, &c. may be seized.

Section 43.—In case of non-payment of any such toll on demand, the officer or other person appointed or duly authorized to collect the same may seize any carriage, cart or animal on which it is chargeable, or any part of its burden of sufficient value to defray the toll. If any toll, together with the cost arising from such seizure and custody, remains undischarged for forty-eight hours, the Deputy Commissioner or other Revenue officer authorized by him in that behalf, may sell the property seized, for discharge of the toll and of all expenses occasioned by such non-payment, seizure, custody and sale. Any balance that may remain shall be returned, on demand, if made within six months, to the owner of the property, and, if unclaimed after such period, shall be credited to the Local Fund. After seizure of the property as aforesaid, the Deputy Commissioner or other officer authorized as aforesaid shall forthwith issue a notice that, after the expiration of two days, he will sell, at such place as may be stated in the notice, the property by auction: Provided that if, at any time before the sale has actually begun, the person whose property has been seized shall tender to the officer empowered to sell the property the amount of all expenses incurred and of the toll payable by him, the property seized shall forthwith be released.

Troops, Military Stores, Police, &c, exempt from toll.

Section 44.—No tolls upon any road or bridge shall be levied for the passage of troops on their march, or of Military or Government stores and equipages, or of Military or Police officers on duty, or of any person or property in their custody; but no other exemption from payment of the tolls levied under this Regulation shall be allowed, except as provided in Sections 50 and 51.

Power to declare, establish, define and discontinue public ferries.

Section 45.—The Government may, from time to time, by notification in the official Gazette;

(*a*) declare what ferries shall be deemed public ferries;

(*b*) establish new public ferries where in its opinion they are needed;

(*c*) define the limits of any public ferry; and

(*d*) discontinue any existing public ferry which it deems unnecessary.

Power to make rules.

Section 46.—The Government may, from time to time, make rules consistent with this Regulation—

(*a*) for the control and management of all public ferries and for regulating the traffic at such ferries;

(*b*) for regulating the time and manner at, and in which, the terms on which and the person by whom the tolls on such ferries may be let by auction;

(*c*) for compensating persons who have compounded for tolls payable for the use of such ferry, when such ferry has been discontinued before the expiration of the period compounded for, and generally to carry out the provisions of this Regulation regarding ferries; and

(*d*) when the tolls of a ferry have been let under Section 52, and the traffic is conveyed in boats or rafts, for regulating—

(1). the number and kinds of such boats and rafts and their dimensions and equipments;

(2). the number of the crew to be kept by the lessee for each boat or raft;

(3). the maintenance of such boats or rafts continually in good condition;

(4). the hours during which, and the intervals within which, the lessee should be bound to ply, and

(5). the number of passengers, animals and vehicles, and the bulk and weight of other things that may be carried in each kind of boat or raft at one trip.

Superintendence of ferries vests in Deputy Commissioner.

Section 47.—The immediate superintendence of every public ferry shall be vested in the Deputy Commissioner of the District in which such ferry is situate who shall, except when the tolls at such ferry are leased, make all necessary arrangements for the supply of boats for such ferry, and for the collection of the authorized tolls leviable thereat: Provided that the Government may transfer any public ferry to the management of a District Local Board in which case such Board shall exercise all the powers conferred upon a Deputy Commissioner by Sections 47, 48, 50, 51, 53 and 54 of this Regulation.

Private ferry not to ply within two miles of public ferry without sanction.

Section 48.—No person shall, except with the sanction of the Deputy Commissioner, keep a ferry-boat for the purpose of plying for hire to or from any point within a distance of two miles from the limits of such public ferry:

Provided that, in the case of any specified public ferry, the Government may, by notification in the official Gazette, reduce or increase the said distance of two miles to such extent as it thinks fit:

Provided also that nothing hereinbefore contained shall prevent persons plying between two places, one of which is without, and one within, the said limits, when the distance between such two places is not less than three miles, or apply to boats which the Government expressly exempts from the operation of this Section.

Tolls.

Section 49.—Tolls, according to such rates as are from time to time fixed by the Government, shall be levied on all persons, animals, vehicles and other things crossing any river by a public ferry, and not employed or transmitted on the public service.

Power to Government to exempt persons, animals, vehicles, &c., from tolls.

Section 50.—The Government may, from time to time, declare that any persons, animals, vehicles and other things shall be exempt from the payment of any tolls on a public ferry, road or bridge.

Where the tolls on a public ferry, road or bridge have been let under Section 52, any such declaration, if made after the date of the auction, shall entitle the lessee to such abatement of the rent payable in respect of such tolls as may be fixed by the Deputy Commissioner of the District in which such public ferry, road or bridge is situate.

The Deputy Commissioner may compound with persons for a payment in lieu of tolls.

Section 51.—It shall be lawful for the Deputy Commissioner to compound with any person for a sum to be paid annually or half-yearly in lieu of all tolls payable on any public ferry, road or bridge under the provisions of this Regulation, either generally or in respect of all public ferries, roads and bridges within the District, or specially in respect of any particular ferry, road or bridge, and to issue licenses for carriages, carts or animals; and while such licenses shall remain in force, such carriages, carts or animals shall be exempt from all tolls as aforesaid either generally upon all public ferries, roads or bridges within such District or specially upon any particular ferry, road

474

or bridge as may be provided by the license: Provided always that such composition shall include all the carriages, carts and animals possessed by the person compounding.

Letting tolls by auction.

Section 52.—The tolls upon any public ferry, road or bridge, as the case may be, may be let by public auction for such period and on such terms as may be fixed by the Government. The lessee may be called upon by the officer conducting the auction to give such security for his good conduct and for the punctual payment of the rent as such officer thinks fit. The lessee shall conform to the rules made under this Regulation for the management and control of such ferry, road or bridge, and failure to conform to such rules shall render the lease liable to be cancelled.

Power to Government to cancel lease.

Section 53.—The Government may cancel the lease of the tolls on any public ferry, road or bridge on the expiration of six months after notice in writing given to the lessee of its intention to cancel such lease.

When any lease is cancelled under this Section, the Deputy Commissioner of the District in which such ferry, road or bridge is situate, shall pay to the lessee such compensation as such Deputy Commissioner may, with the previous sanction of Government, award.

Surrender of lease.

Section 54.—The lessee of the tolls on any public ferry, road or bridge may surrender his lease on the expiration of one month's notice in writing to the Government through the Deputy Commissioner of the District in which such ferry, road or bridge is situate, of his intention to surrender such lease and on payment to such Deputy Commissioner of such compensation as the Deputy Commissioner may, subject to the approval of Government, in each case direct.

Table of tolls to be exhibited.

Section 55.—A table of the tolls authorized to be levied at any toll-gate or station or public ferry, legibly written or painted in words and figures in English and Canarese, shall be put up in a conspicuous place near such gate or station or ferry.

Police to assist toll-collectors.

Section 56.—In all cases of resistance to the lawful authority of the toll-collectors, all Police officers shall be bound to assist the toll-collectors, when required, and, for that purpose, shall have the same power which they have in the exercise of their ordinary Police duties.

Penalties on passengers offending.

Section 57.—Every person passing along any road or bridge, or crossing by any public ferry, who refuses to pay the proper toll, and every person—

who, with intent to avoid payment of such toll, fraudulently or forcibly passes along or crosses, by any such road, bridge or ferry without paying the toll, or

who, in any way, obstructs any toll-collector or lessee of the tolls on a road, bridge or public ferry, or any of his assistants in the execution of their duty under this Regulation, or

who, after being warned by any such toll-collector, lessee or assistant not to do so, goes or takes any animals, vehicles or other things, into any ferry-boat which is in such a state or so loaded as to endanger human life or property, or

who refuses or neglects to leave or remove any animals, vehicles or goods from any such ferry-boat, on being requested by such toll-collector, lessee or assistant to do so,

shall be punished with fine which may extend to fifty rupees.

Cesses, tolls, &c., how leviable.

Section 58.—Notwithstanding anything herein contained, all cesses, tolls, fines, penalties and rents payable by lessees under this Regulation shall be leviable as arrears of land revenue.

LOCAL FUNDS.

Local Funds where to be kept and what to consist.

Section 59.—There shall be formed in each District a fund which shall be called, "The Local Fund", and which shall be kept in the Government Treasury.

To it shall be credited,

(*a*) the net proceeds (after deducting the expenses of assessment and collection, if any, prescribed by Government) of the cesses levied under Section 39, Clauses (1), (2) and (3);

(*b*) the net proceeds (after deducting the expenses, if any, of collection) of the tolls described in Clauses (4) and (5) of Section 39, and all penalties and other sums levied in connection therewith under the provisions hereinbefore contained:

Provided that when a public ferry or a bridge is partly in one District and partly in another, the Government may assign to the Local Fund of each District such proportion of the net receipts therefrom as it shall think fit;

(*c*) surplus receipts under Section 18 of the Cattle Trespass Act, 1871, on account of cattle pounds not situated within the limits of any Municipality;

(*d*) sums received by Local Boards in execution of this Regulation; and

(*e*) sums contributed to the fund by the Government or by private persons.

Local Fund by what Boards to be expended.

Section 60.—The Local Fund of a District shall be available for expenditure for any of the purposes of this Regulation as follows, namely:—

1*stly*.—By or under the direction of each Taluk Local Board,

(1). such proportion not less than one-half, as may, from time to time, be prescribed by Government, of the revenue derived from the cesses described in Clauses (1) and (2) of Section 39 levied in the local area under its authority;

(2). the whole of the sums described in Clause (*c*) of Section 59 realized in the local area under its authority;

(3). all sums contributed by Government or by private persons for expenditure by such Board within the said area; and

(4). all sums described in Clause (*d*) of Section 59 received by it or on its account.

And 2*ndly*.—By or under the direction of the District Local Board,

the remaining portion of the Fund described in Section 59.

How the Local Fund shall be drawn against.

Section 61.—No payment shall be made from the Government Treasury out of a Local Fund except upon a cheque signed by the President and two other members of the Local Board which requires such payment.

Payment of any sum in excess of fifty rupees shall be made by a Local Board by means of a cheque signed as aforesaid and not in any other way.

Sums not exceeding fifty rupees may be paid by the President or by such officer as each Local Board appoints for this purpose, in cash; cheques for sums not in excess of three hundred rupees each, signed as aforesaid, being drawn, from time to time, to cover such payments.

CHAPTER IV.

DUTIES OF LOCAL BOARDS.

General Improvement and Education.

Matters to be administered by Local Boards.

Section 62.—The following matters shall, subject to the provisions of this Regulation and to such rules not inconsistent with this Regulation as the Government may, from time to time, frame, be under the control and administration of the Local Boards within the areas under their respective authority:—

(1). Under the control and administration of every Taluk Local Board:

(*a*) the construction, repair, maintenance and improvement of local roads, country cart-tracks and other means of local communication: Provided that large works of the nature described in this clause, which are beyond the means at the disposal of a Taluk Local Board, may be undertaken by the District Local Board at its own cost, or the District Local Board may assist the Taluk Local Board in undertaking the same by a grant-in-aid conditional upon a certain portion of the cost being contributed by the Taluk Local Board or by private persons, or by both:

(*b*) the establishment, maintenance and administration of elementary schools, hospitals, dispensaries, vaccination, markets, santés or periodical fairs, chattrams, and dharmasalas within the Taluk, and the construction and repair of buildings connected with such institutions;

(*c*) the appointment of travelling dispensers of medicine during the prevalence of epidemic diseases within the Taluk;

(*d*) the construction and repair of public wells, tanks and water-works within the Taluk and the supply of water from them and other sources, for purposes other than agricultural irrigation;

(*e*) the planting and preservation of topes and avenue trees on public grounds within the Taluk, and the formation of fuel plantations and the conservancy of fuel preserves;

(*f*) the maintenance, repair and management of any buildings or other property which vests in it and of any work which has been executed at its cost;

(*g*) the construction, establishment, maintenance and carrying out of any other local works, institutions or measures within the Taluk likely to promote the health, comfort or convenience of the inhabitants of the Taluk.

(2). Under the control and administration of the District Local Board;

(*a*) the construction, repair, maintenance and improvement of the main roads and other means of through communication in the District and Travellers' Bungalows connected therewith;

(*b*) the management of such public ferries in the District as the Government may transfer to its management;

(*c*) the undertaking of measures for promoting the health, comfort or convenience of the inhabitants in the District;

(*d*) the establishment and maintenance of relief and relief works in time of famine or scarcity ; and

(*e*) the maintenance, repair and management of any building or other property which vests in it, and of any work which has been executed at its cost.

Appropriation of money set apart for educational purposes.

Section 63.—(1).—Every Taluk Local Board shall, out of the funds at its disposal, annually set apart, for educational purposes, such sum of money as may, from time to time, be fixed by Government, not less than one-fourth of the revenue derived from the cesses described in Clauses (1) and (2) of Section 39, levied within the taluk.

(2). The sum thus set apart shall be devoted by such Board,

(*a*) for maintaining such elementary schools as may be transferred to its management by Government ;

(*b*) for establishing and maintaining such other elementary schools as it may deem fit to establish within the taluk ; and

(*c*) for grants-in-aid of elementary schools within the taluk established and managed by private individuals.

(3). Government may, from time to time, prescribe rules for regulating the subjects to be taught at the elementary schools referred to in Clauses (*a*) and (*b*) of Sub-Section (2), the number and qualification of teachers to be employed in them, and their remuneration, wholly or partly, by fixed salaries or under a system of payment by results, and the conditions under which grants-in-aid of schools established and managed by private individuals shall be given.

Committee for management of elementary schools.

Section 64.—(1). For the direct management of any elementary school maintained by a Taluk Local Board, such Local Board may appoint a committee composed of persons selected out of the inhabitants of the villages in, or in the neighbourhood of, which such school is situated. Such selection shall be made in accordance with such rules as the Government may, from time to time, frame in this behalf.

(2). The Taluk Local Board may remove any member of the committee appointed under this Section, and may, from time to time, appoint additional members to such committee.

(3). A committee appointed under this Section shall be bound to carry out the instructions of the Taluk Local Board which appointed it, in so far as such instructions are not inconsistent with this Regulation or the rules framed by Government thereunder.

Powers of District Local Board.

Section 65.—All orders and resolutions of a District Local Board shall be binding upon every Taluk Local Board subordinate to it. At any meeting of a District Local Board, the subject of any resolution of, and budget estimates and accounts submitted by, any Taluk Local Board in the District, may be discussed and such resolutions passed thereupon as the District Local Board may deem fit.

A District Local Board may also advise and make suggestions to Taluk Local Boards in the District as to any measures for promoting the health, comfort or convenience of the population of the Taluk.

Power of District Local Board to suspend resolution of Taluk Local Board.

Section 66.—A District Local Board may, either on complaint made to it, or of its own motion, suspend the operation of any resolution of any Taluk Local Board within the District, pending the orders of the Government upon a representation made to it of the impropriety or inexpediency of such resolution.

District Local Boards may delegate duties.

Section 67.—It shall be lawful for every District Local Board to delegate to any Taluk Local Board subordinate to it any of the duties described in Sub-Section (2) of Section 62 in respect of any matter in which such Taluk Local Board may be interested, and upon the District Local Board paying the expenses necessary for the execution of such duty, the Taluk Local Board shall execute such duty in the same manner as if such duty had been imposed upon it under this Regulation.

Contribution by Local Boards.

Section 68.—Every Local Board shall contribute such portion as the Government shall, from year to year, prescribe, of the cost of maintenance of schools, roads, hospitals or other institutions in any Municipality situated within the local area subject to the authority of such Board, and of any scholarships which the Government may direct to be chargeable to the Local Fund of such District generally.

CHAPTER V.

CONTROL.

Control by Deputy Commissioner.

Section 69.—The Deputy Commissioner may—

(*a*) enter on and inspect, or cause to be entered on and inspected, any immovable property within the limits of the District occupied by any Local Board, or any work in progress within those limits under the direction of any such Board ;

(*b*) call for and inspect any book or document in the possession or under the control of any such Board having authority within those limits ;

(*c*) require any such Board to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the Board as he may think fit to call for ; and

(*d*) record in writing, for the consideration of any such Board, any observations he may think proper in regard to the proceedings or duties of the Board.

Power to suspend action under Regulation.

Section 70.—(1). The Deputy Commissioner may, by order in writing, suspend within the limits of the District the execution of any resolution or order of a Local Board, or prohibit the doing within those limits of any act which is about to be done, or is being done in pursuance of or under cover of this Regulation, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

(2). When a Deputy Commissioner makes any order under this Section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Government, which may thereupon rescind the order or direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Section 71.—(1). In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a Local Board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the Board.

Extraordinary powers of Deputy Commissioner in case of emergency.

(2). If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balances of the Board's funds to pay the expense, or as much thereof as is from time to time possible, from the appropriate balance in priority to any or all other charges against the same.

(3). The Deputy Commissioner shall forthwith report to the Government every case in which he uses the powers conferred upon him by this Section.

Section 72.—(1). If at any time it appears to the Government that a Local Board has made default in performing any duty imposed on it by or under this or any other Regulation for the time being in force, the Government may, by order in writing, fix a period for the performance of that duty.

Powers to Government in case of default of Board.

(2). If that duty is not performed within the period so fixed, the Government may appoint the Deputy Commissioner of the District to perform it and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Deputy Commissioner by the Local Board.

(3). If the expense is not so paid, the Deputy Commissioner, with the previous sanction of the Government, may make an order directing the person having the custody of the balances of the Board's funds to pay the expense, or so much thereof as is from time to time possible, from the balance of the appropriate fund in priority to any or all other charges against the same.

Section 73.—(1). If a Local Board is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this or any other Regulation for the time being in force, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it, in the official Gazette, declare that Board to be incompetent, or in default or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

Power to Government to supersede Board in case of incompetency, persistent default or excess or abuse of powers.

(2). When a Board is so superseded, the following consequences shall ensue :—

(*a*) all members of the Board shall, from the date of the order, vacate their offices as such members ;

(*b*) all powers and duties of the Board may, during the period of supersession, be exercised and performed by such person or persons as the Government, from time to time, appoints in that behalf; and

(*c*) all property vested in the Board shall, during the period of supersession, vest in the Government.

(3). On the expiration of the period of supersession specified in the order, the Board shall be re-constituted, and the persons who vacated their offices under Clause (*a*) shall not be deemed disqualified from being members.

Section 74.—In all matters connected with this Regulation, the Government shall have and exercise the same authority and control over the Deputy Commissioners and their subordinates as they have and exercise over them in the general and revenue administration.

Control of Government over officers.

ACCOUNTS, ANNUAL REPORTS AND BUDGET ESTIMATES.

Section 75.—Accounts of the receipts and expenditure of every Local Board shall be kept in such form as the Government, from time to time, prescribes; and they shall be submitted with all necessary vouchers to such officers and at such periods as the Government may direct. They shall be balanced annually at the end of every official year, and shall be audited by an officer appointed for the purpose by Government.

Keeping of accounts.

Section 76.—As soon after the 1st of April of every year as may be possible, Local Board shall hold a meeting at which the President shall place before it for consideration a report of the administration of the Local Funds under its administration with an account, in such form as the Government may prescribe, of the receipts and expenditure of the same for the past official year.

Annual reports and statements to be submitted.

A copy of such report and account and of the resolutions passed in regard to them shall be submitted by every Taluk Local Board to the District Local Board, as well as to the Deputy Commissioner of the District, if he is not the President of the District Local Board.

The District Local Board shall submit the annual reports and accounts of Taluk Local Boards, generalized for the whole District to the Government, with such observations as it might think fit to make. It shall also similarly submit to Government its own annual report and account.

Section 77.—To enable Local Boards to prepare annual budget estimates as hereinafter provided, the Deputy Commissioner shall annually render to every Local Board in his District on or before the 15th January of each year and in such form as the Government, from time to time, directs, a return setting forth, under each source from which the funds at the disposal of such Local Board are derived.

Return to be rendered of estimated income of Local Funds

(*a*) the actual receipts in the last complete official year;

(*b*) the revised estimates of the receipts in the current official year; and

(*c*) a first estimate of the probable receipts in the next following official year.

Section 78.—Every Local Board shall hold a meeting at some time to be fixed by such Board on or before the 1st February of each year, at which the President shall place before it a budget estimate of the receipts and expenditure of the Board for the next succeeding official year in such form as the Government, from time to time, prescribes.

Annual estimates of receipts and expenditure.

Such Board may adopt, with or without modification, the budget estimate thus placed before it.

Section 79.—Every budget estimate adopted by a Taluk Local Board shall be forthwith submitted to the District Local Board to which it is subordinate.

Submission of estimates by Taluk Local Boards.

Such District Local Board may—

(a) as often as it thinks fit, send back such estimate to the Taluk Local Board for revision; or

(b) sanction any estimate or revised estimate submitted to it with or without modification.

Supplementary estimates.

Section 80.—Every Local Board may, at any time during the year for which any budget estimate has been approved or sanctioned, cause supplementary estimates to be prepared. Every such supplementary estimate shall be considered and approved by the Local Board, and in case of a Taluk Local Board, submitted to the District Local Board for sanction in the same manner as if it were an original annual estimate.

Submission of estimates by District Local Boards.

Section 81.—Every District Local Board shall submit to the Government its own budget estimates and a general summary of the budget estimates of all the Taluk Local Boards subordinate to it.

Such budget estimates and general summary shall be submitted to Government before the 15th March next preceding the official year to which they relate; and if the Deputy Commissioner is not the President of the District Local Board, they shall be sent through the Deputy Commissioner.

The Government may pass on the estimates submitted to it under this Section and on accounts and reports submitted under Section 76, such orders as it thinks fit, which shall be binding upon all Local Boards:

Provided that the fact that the orders of Government have not been passed upon any estimates or general summary of estimates submitted to it under this Section, shall not prevent such estimates being brought into operation, pending the orders of Government.

Except on emergency, sums not provided in estimate not to be expended.

Section 82.—Except in case of pressing emergency, no sum shall be expended by or on behalf of any Local Board, unless such sum is included in some estimate at the time in force which has been approved or sanctioned as aforesaid.

If any sum is so expended on a pressing emergency, the circumstance shall forthwith be communicated to Government (through the District Local Board, if the sum has been expended by a Taluk Local Board), together with an explanation of the way in which it is proposed by the Local Board to cover such extra expenditure.

Provision as to existing budget estimates.

Section 83.—Every budget or estimate framed by, or binding upon, the District Committee constituted under the Rules published with the Chief Commissioner's Notification No. 110, dated 4th July 1874, and in force on the date on which the Local Board constituted under this Regulation comes into existence for each District, shall be deemed to have been duly prepared and sanctioned under this Regulation so far as it relates to the period which intervenes between the date aforesaid and the 31st day of March next following that date.

If any such budget or estimate would, but for the passing of this Regulation, have force after the said 31st day of March, the Local Board having authority over the local area in which it would so have force, may set it aside as from that date: Provided that works in progress on the said date under any such estimate shall not be discontinued except with the sanction of Government.

CHAPTER VI.

EXECUTION OF WORKS.

Section 84.—Local Boards shall cause the construction and repair of all buildings, roads, bridges, tanks, water-works and channels, undertaken by them in accordance with this Regulation, to be executed by the Government Public Works Department.

Section 85.—The Executive Engineer of the District, or such other officer as the Government appoints in this behalf, shall prepare, at the requisition of every Local Board, plans, specifications and estimates of works proposed.

Such plans, specifications and estimates shall be sanctioned by proper authority in accordance with the standing orders of the Government relating to public works undertaken by the Government.

Upon such sanction, the plans, specifications and estimates shall be forwarded to the Local Board on whose requisition they were prepared.

Such Local Board may thereupon cause the works to be executed by the Public Works Department placing the requisite funds at the disposal of that Department.

Section 86.—The Local Board shall have power, either through its President or one of its members, or one of its officers specially deputed for the purpose, to inspect the works while in progress and offer suggestions calculated to ensure their efficient execution or to economize expenditure upon them.

The officers of the Public Works Department in immediate charge of such works shall be bound to receive and consider those suggestions, and, when they involve alterations of sanctioned plans, specifications and estimates, to seek instructions from the officers authorized to sanction such alterations.

Section 87.—When the Public Works Department decide to execute a work required by a Local Board, by means of contractors, the co-operation of the Local Board ordering the execution of such work shall be invited, and, where possible, either the entire contracts or rates for work to be executed shall be put up to public competition.

Section 88.—No payment shall be made for any work done for any Local Board except upon a certificate of its proper execution, in accordance with sanctioned plans and specifications signed by the Executive Engineer of the District or other officer appointed by him.

CHAPTER VII.

IRRIGATION.

Levy of cesses for purposes of Irrigation.

Section 89.—For the purpose of forming a fund for purposes of irrigation, it shall be lawful for the Government to levy, in accordance with the rules hereinafter contained, the following cesses, that is to say :—

(1). In the Taluks and portions of Taluks, specified in Schedule B appended to this Regulation, a cess not exceeding one anna in every rupee that is assessed to the ordinary Land revenue on all wet lands, or would have been so assessable on such lands had there been no alienation of such revenue ; and

(2). In the Taluks and portions of Taluks not specified in Schedule B appended to this Regulation, a cess not exceeding one-seventeenth of the ordinary Land revenue which, had there been no alienation of such revenue, would have been assessable on all alienated wet lands, whether situated in alienated or unalienated villages.

Section 90.—On the 1st day of April 1884, there shall be formed a fund to be called "The Provincial Irrigation Fund." To it shall be credited—

Provincial Irrigation Fund what to consist.

(1). All unexpended balances remaining on the date aforesaid at the credit of the various "District Irrigation Funds" constituted in accordance with the Rules contained in the Chief Commissioner's Notifications Nos. 198 and 341, dated respectively the 9th February 1870 and 11th February 1875;

(2). The net proceeds (after deducting the expenses of assessment and collection, if any, prescribed by Government) of the cesses described in Clauses (1) and (2) of the last preceding Section;

(3). Such sums as the Government may, from time to time, fix as the contribution payable towards the fund in question on account of unalienated wet lands situated in Taluks and portions of Taluks not specified in Schedule B appended to this Regulation; and

(4). Any sums which may, at the close of any official year, remain unexpended out of portions of the fund in question, entrusted to District Local Boards in accordance with Section 91.

Section 91.—(1) "The Provincial Irrigation Fund" shall be devoted exclusively for the repair, improvement and re-construction of works of irrigation, in accordance with such rules as may, from time to time, be prescribed by Government in this behalf.

The Provincial Irrigation Fund, how to be spent.

(2). The Government shall, from time to time, fix the portion of the "Provincial Irrigation Fund" which shall be available for expenditure in each official year within each District.

(3). The Government may direct that the portion of the "Provincial irrigation Fund" available as per Sub-Section (2) for expenditure in any District shall be entrusted to the District Local Board of that District for expenditure upon works of Irrigation within that District; and the Government may, from time to time, cancel any such direction.

(4). When any portion of the "Provincial Irrigation Fund" is entrusted to a District Local Board in accordance with Sub-Section (3), it shall be expended by such Board upon works of irrigation in accordance with Sub-Section (1) and the rules made thereunder, and subject to such additional rules as Government may, from time to time, frame for the guidance of District Local Boards in this behalf.

(5). The portion of the "Provincial Irrigation Fund" entrusted to a District Local Board shall be subject, as regards custody, payment, account, audit, report, estimates, and execution of works, to such provisions of this Regulation and the rules made thereunder, as are applicable to "Local Fund," but it shall, in every respect, be treated as a distinct fund separate from the "Local Fund."

CHAPTER VIII.

MISCELLANEOUS.

Section 92.—If any member, officer or servant of a Board is, otherwise than with the permission in writing of the Government, directly or indirectly interested in any contract made with the Board, he shall be deemed to have committed an offence under Section 168 of the Indian Penal Code:

Penalty on member, officer or servant of Board being interested in contract made with Board.

Provided that no person shall, by reason of being a share-holder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between such company and the Board.

Suits against Boards and their officers and servants.

Section 93.—In respect of every suit instituted against a Local Board or against any officer or servant of the Board in respect of an act purporting to be done by him in his official capacity, the Board, officer or servant shall have, as nearly as may be, all the privileges which a public officer has under Chapter XXVII of the Code of Civil Procedure.

Liability of members.

Section 94.—Except as hereinafter otherwise provided, no member of a Local Boar shall be personally liable in respect of any contract or agreement made, or for any expense incurred by or on behalf of such Board; the Local Fund at the disposal of each Local Board shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses:

Provided that every member of a Local Board shall be liable for the loss, waste or misapplication of any money or other property belonging to the Board, if the loss, waste or misapplication is a direct consequence of his neglect or misconduct, and a suit for compensation may be instituted against him by the Board or by the Government.

Acquisition of land under Act X of 1870.

Section 95.—Where any land, whether within or without the limits of a Taluk or District, is required for the purposes of a Local Board, the Government may, at the request of the Local Board, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and on payment by the Board of the compensation awarded under that Act, the land shall vest in the Board.

Procedure for making rules under Sections 6, 46, 62, 63 and 91.

Section 96.—(1). The authority empowered to make rules under Sections 6, 46, 62, 63 and 91 shall, before making them, publish in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(2). Every rule made under any of those Sections shall be published in the official Gazette in English and Canarese; and such publication shall be conclusive evidence that the rule has been made as required by this Section.

Every such rule shall be deemed to be part of this Regulation and shall have the force of law.

Prosecutions.

Section 97.—Prosecutions under this Regulation for infringement of rules may be instituted by the Local Board or any person authorized by it in this behalf and not otherwise.

Recovery of rents, &c.

Section 98.—All fees and all rents and other sums due on account of property for the time being vested in or managed by the Local Board, and all arrears of cesses imposed under this Regulation, may be recovered as if they were arrears of land revenue.

K. SHESHADRI IYER,
Dewan.

SCHEDULE A.—(SECTION 42).

MAXIMUM RATES OF TOLLS PAYABLE ON CARRIAGES AND ANIMALS PASSING ALONG ROADS.

		Rs.	A.	P.
On every	4 wheeled carriage on springs..	0	8	0
do	2 do do do	0	4	0
do	Jatka, hackney on springs, or cart drawn by men, buffaloes bullocks, horses, ponies, asses, or mules, laden ..	0	4	0
do	do do not laden	0	2	0
do	Buffalo, or Bullock, laden	0	1	0
do	Horse, laden or ridden	0	2	0
do	do not laden or ridden	0	1	0
do	Pony or Ass, laden or ridden	0	1	0
do	Elephant	1	0	0
do	Camel	0	4	0

SCHEDULE B.—(SECTIONS 89 AND 90.)

1. The Bangalore Taluk, excepting the villages transferred to it from the late Devanhalli Taluk under the Dewan's Notification No. 147, dated 9th December 1882.
2. The Bidadi Hobli of the Closepet Taluk.
3. The Tumkur Taluk, excepting the villages transferred to it from the late Koratagere and Kadaba Taluks under the Dewan's Notification No. 136, dated 25th November 1882.
4. The Sira Taluk, excepting the villages transferred to it from the late Koratgere Taluk under the Dewan's Notification No. 136, dated 25th November 1882.
5. The villages of the Gubbi Taluk transferred to it from the Tumkur and Sira Taluks under the Dewan's Notification No. 136, dated 25th November 1882.
6. The villages of the Maddagiri Taluk transferred to it from the Tumkur Taluk under the Dewan's Notification No. 136, dated 25th November 1882.
7. The hoblis of Budihal, Huliyar, Muddanahalli, Kandigere and Timmanahalli of the Chiknayakanhalli Taluk.
8. The Chitaldroog Taluk.
9. " Pavagada "
10. " Chellakere "
11. " Holalkere "
12. " Hiriyur "
13. " Shimoga "
14. " Shikarpur "
15. " Sorab "
16. " Honnali "
17. " Davangere "
18. " Channagiri "

STATEMENT OF OBJECTS AND REASONS.

1. The existing law on the subject of the administration of Local Funds in Mysore is contained in the Rules sanctioned by the Government of India and published under the late Chief Commissioner's Notification No. 110, dated the 4th July 1874. The rules provide for the formation of a District Committee in each District with the Deputy Commissioner as President and the Assistant Commissioners, the Executive Engineer and all Amildars in the District as *ex-officio* members; while a holder of an alienated village elected by holders of alienated villages and six land-holders appointed by the Government are to represent the non-official interests in the District. It is the duty of the Committee to provide for works calculated to promote the health, comfort and convenience of the inhabitants of the District. The funds at its disposal now consist of (1) a one anna cess on every rupee of all items of land revenue, of forest produce, of abkari and sayer collections, of the proceeds of saltpans, tolls and other contracts, (2) local ferry collections, (3) receipts under the Cattle-trespass Act, and (4) any sums of money which the Government may, from time to time, contribute.

2. In working these Committees it has been found difficult to awaken in the minds of the non-official members most interested in the administration of local funds, a full sense of their powers and duties, and the whole administration of the funds has practically fallen into the hands of Government officers. This is chiefly owing to the very large area over which the authority of the Committee extends, to the overwhelming preponderance of the official members and to the undefined and almost unlimited subordination of the Committees to Government officials in the administration of the funds. No provision is made in the rules to give the Committees an independent constitution, or to empower them to acquire or sell property, or to do any other acts necessary for the carrying out of the purposes of the Rules.

3. It is therefore proposed in this Draft Regulation to remedy these shortcomings by substituting for the District Committees two classes of Boards, one for each Taluk to meet purely local wants, and the other for each District for the discharge of functions in matters concerning larger areas. These Boards will have a corporate constitution, will be invested with definite duties and powers and will have a large degree of independence in the administration of the funds. The measure involves no new taxation, but restricts the levy of the one anna cess to a few definite items of revenue.

4. The principal provisions of the Draft Regulation are as follows:—

Chapter I deals with the necessary preliminary matter.

Chapter II provides for the constitution of both Taluk and District Local Boards, for the appointment and election of their members and Presidents and for the conduct of business. It is provided that the number of *ex-officio* members shall not exceed one-third of the Board. At first it will be necessary for Government to appoint all non-official members of Taluk Boards, but after a few years of practical working it may be found advisable to resort to the elective system, for which accordingly provision is made in the Draft. The non-official members of District Boards will, however, be all delegates from the Taluk Boards elected by such Boards. Sections 9—13 deal with the term of office of the members and their resignation or removal and provide for filling up casual vacancies. Section 14 provides for the incorporation of the Boards and gives them power to enter into contracts and to do all other things necessary for the exercise of their functions. Section 16 provides for the continuance of the rights and liabilities of the present District Committees and saves existing rules and orders regarding administrative details so far as they are consistent with the Regulation. The Deputy Commissioner and the Amildar must, for some years to come, be the Presidents of the District and Taluk Boards respectively. The employment of the officers and servants will rest with the Boards entirely, the Government simply prescribing a scale of establishment. Section 38 provides for the manner in which contracts should be executed by the Boards.

Chapter III relates to taxation and funds. Definite provision is made as to the manner in which the one anna cess is to be assessed on alienated and unalienated lands. The only other items on which this cess is leviable are declared to be the Halat on areca-nut and the Excise revenue, the cess now levied on numerous other items being abolished. Advantage is taken of the present opportunity to consolidate the law relating to the levy of tolls on public ferries, roads and bridges and the proceeds of tolls on roads and bridges are transferred to the "Local Funds." Provision is also made for the division of funds between Taluk and District Boards so as to vest definite powers and duties in each Board.

Chapter IV defines the duties of Local Boards. Subject to Government control to be exercised in very exceptional cases these Boards have unlimited powers in matters of internal administration. All matters of local interest, such as elementary education, minor roads and hospitals, the planting of topes and other works of purely local importance, will be under the immediate control of the Taluk Boards; while on the other hand the management of matters, in which larger interests are concerned, are vested in the District Boards.

As at present a definite proportion of Local Funds is set apart for elementary schools and it is proposed to vest the management of such schools in Taluk Boards aided, where necessary, by Village Committees.

Chapter V provides for Government control. Power is given to the District Officers, subject to the orders of Government, to interfere in exceptional cases in which the action of a Board may be likely to lead to a breach of the peace or other serious public injury. Provision is also made for the supersession of a Board for persistent neglect of its duty, as well as for the submission of annual budget estimates, accounts and reports and for a proper audit of all accounts.

Chapter VI contains provisions regarding the execution of works by the Government Public Works Department at the instance of Local Boards such Boards must be unable to secure an executive agency so experienced and efficient as what is already at the disposal of Government. While therefore the actual execution of works is vested in the Public Works Department, the sole power of initiating works, a large share of the supervision of their execution and a voice in the disposal of contracts are given to Local Boards. Such a system of joint control and responsibility is expected to lead to works of real local utility receiving the attention they deserve and to economy in their execution It is a question whether works, the cost of which does not exceed a certain amount, may not be left to be executed by any agency at the discretion of the Local Boards. A provision of this kind can hardly be necessary so long as Local Boards have a voice in the disposal of contracts for the execution of all works.

Chapter VII deals with the Irrigation Fund. This fund was originally constituted for all settled Taluks by rules contained in the Survey Guarantees from time to time published. It is formed out of the collections of the one anna cess in everyrupee of wet assessment as fixed by the Survey and Settlement. It is a separate levy in all the Taluks settled before 1875, since which year it is merged in the survey valuation of all wet lands, Government giving, out of its revenue, a lump sum grant to the fund. The present rules provide for a fund for each District, but experience has shown that the amount to the credit of the fund in each District is always either more or less than what is required for the legitimate wants of that District. It is therefore proposed to form a Provincial Irrigation Fund out of the receipts from existing sources and to leave it to Government to fix, from time to time, the amount required for expenditure in each District. As the existing District Committees are entrusted with the administration of the fund in question, it is proposed to continue the same arrangement by empowering Government to

entrust to the Local Board of a District the portion of the Provincial Irrigation Fund allotted for expenditure in that District, to be administered by such Board under the rules relating to "Local Funds." If this arrangement is found to be inconvenient, either because the interests involved relate to an important item of the Government Land Revenue, or because the Local Boards have quite sufficient work in connection with the Local Funds the administration of which more legitimately vests in them, it is always competent to the Government to relieve the Local Boards of all duties connected with Irrigation.

Chapter VIII contains certain miscellaneous provisions, such as the acquisition of land by Government for Local Boards, recovery of revenue, mode of framing rules and criminal prosecutions.

5. All Heads of Departments will be invited to give their opinion on the proposed measure and the Draft Regulation will be published in the official Gazette for public information.

6. Reference is made in the Draft Regulation to the "Mysore Land Revenue Regulation," a draft of which has been prepared and will shortly be published.

K. SHESHADRI IYER,
Dewan of Mysore.

DRAFT

OF

A Regulation to consolidate and amend the Law relating to Revenue Officers and the Land Revenue in the Territories of Mysore.

WHEREAS it is expedient to consolidate and amend the law relating to Revenue Officers and to the assessment and recovery of Land Revenue, and to other matters connected with the Land Revenue administration, His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Section 1, Bombay Revenue Code, 1879.

Short title.

1. This Regulation may be cited as "The Mysore Land Revenue Code, 1884."

Local extent.

It extends to the whole of the Territories of Mysore.

Commencement.

It shall come into force on the first day of April 1884.

Section 2, B. R. C.

Enactments repealed.

2. The Acts, Rules, Notifications and Orders mentioned in the Schedule **A** hereto annexed are repealed, but not so as to render invalid anything done in accordance with any of them.

All references made in any Act, Rule, Notification, or Order, to any enactment hereby repealed, shall be read as if made to the corresponding portion of this Regulation.

And all rules prescribed, appointments made, securities furnished, powers conferred, orders issued, and notifications published under any such enactment, and all other rules (if any) now in force and relating to any of the matters hereinafter dealt with, shall (so far as they are consistent with this Regulation) be deemed to have been respectively prescribed, made, furnished, conferred, issued, and published hereunder.

And all proceedings now pending which have been commenced under any enactment hereby repealed shall be deemed to have been commenced under this Regulation, and shall hereafter be conducted in accordance with the provisions of this Regulation.

Section 3, B. R. C.

Interpretation Section.

3. In this Regulation unless there be something repugnant in the subject or context,—

Revenue Officer.

(1). "Revenue Officer" means every officer of any rank whatsoever employed in or about the business of the land revenue, or of the survey assessment, accounts or records connected therewith:

(2). "Survey Officer" means an officer appointed under, or in the manner provided by, Section 18 of this Regulation:

Survey Officer.

(3). "Land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth, and also shares in, or charges on, the revenue or rent of villages, or other defined portions of territory:

Land.

(4). "Estate" means any interest in land and the aggregate of such interests vested in a person or aggregate of persons capable of holding the same:

Estate.

(5). "Survey Number" means a portion of land of which the area and other particulars are separately entered under an indicative number in the survey records of the village, town or city, in which it is situated, and includes a recognized share of a survey number:

Survey number.

(6). "Recognized share of a survey number" means a sub-division of a survey number separately assessed and registered:

Recognized share of a survey number.

(7). "Building site" means a portion of land held for building purposes, whether any building be actually erected thereupon or not, and includes the open ground or court-yard enclosed by, or adjacent to, any building erected thereupon:

Building site.

(8). "Boundary mark" means any erection, whether of earth, stone or other material, and also any hedge, vacant strip of ground, or other object, whether natural or artificial, set up, employed, or specified by a Survey Officer or other Revenue Officer having authority in that behalf, in order to designate the boundary of any division of land:

Boundary mark.

(9). "To hold land" means to be legally invested with a right to the possession and enjoyment or disposal of such land either immediate or at the termination of tenancies legally subsisting:

To hold land.

(10). "Holder" or "Land-holder" signifies the person in whom a right to hold land is vested whether solely on his own account or wholly or partly in trust for another person, or for a class of persons or for the public.

Holder or land-holder

It includes a mortgagee vested with a right to possession.

(11). "Holding" signifies land over which such right extends:

Holding.

(12). "Tenant" signifies a person who holds by a right derived from a superior holder called his "land-lord" or from his land-lord's predecessor in title, and is, or, but for a special contract, would be, liable to pay rent for such land to his land-lord :

Tenant.

(13). "Rent" signifies whatsoever is paid or delivered in money or kind, or whatever service is rendered by a tenant on account of the use or occupation of land let to him :

Rent.

(14). "Superior holder" signifies a holder entitled to receive from other holders rent or land revenue on account of lands held by them, whether or not such holder pays land revenue to Government on account of such lands :

Superior holder.

(15). "Inferior holder" signifies a holder liable to pay rent or land revenue to a superior holder :

Inferior holder.

(16). "Occupant" signifies a holder of unalienated land, or when there are more holders than one, the holder having the highest right in respect of any such land, or where such highest right vests equally in more holders than one, any one of such holders :

Occupant.

(17). "Registered Occupant" signifies a sole occupant or the eldest or principal of several joint occupants whose name is authorizedly entered in the Government records as holding unalienated land whether in person or by his co-occupant, tenant, agent, servant, or other legal representative :

Registered occupant.

(18). "Occupancy" signifies the sum of the rights vested in an occupant as such.

Occupancy.

(19). "Alienated" means transferred in so far as the rights of Government to payment of the rent or land revenue are concerned wholly or partially to the ownership of any person :

Alienated.

(20). "Alienated Village" means a whole village,

Alienated village.

(*a*). the land revenue of which has been wholly or partially alienated ; or

(*b*). a fixed amount of the land revenue of which has been alienated ; or

(*c*). a definite share of the land revenue of which has been alienated ; or

(*d*). the land revenue of which has been permanently fixed :

(21). "Alienated land" is land, the land revenue of which is permanently fixed or is alienated wholly or in part :

Alienated land.

(22). The words "Village", "Town" or "City" include all lands belonging to such village, town or city:

Village, town or city.

(23). The words "Revenue year" or "Year" mean the period from and exclusive of the 31st July of one calendar year until and inclusive of, the 31st July in the next calendar year:

Revenue year or year.

(24). "Section" means a Section of this Regulation:

Section.

(25). The words "This Chapter" mean the Chapter of this Regulation in which those words occur:

This Chapter.

(26). "Village Accountant" means the officiator Shanbhog and includes every person performing any of the duties of the Shanbhog:

Village Accountant.

(27). "Government" means "the Government of Mysore."

Government.

CHAPTER II.

CONSTITUTION AND POWERS OF REVENUE OFFICERS.

Section 4, B. R. C.

4. The chief controlling authority in all matters connected with the land revenue is vested in the Government.

Chief controlling authority in Revenue matters.

The Government may appoint an officer to be called the "Commissioner" and may, subject to such rules and conditions as it may prescribe, impose and confer on such officer all or any of the duties and powers which are referred to in Schedule B of this Regulation, or which are imposed or conferred on the chief controlling revenue authority by any other law for the time being in force.

Section 5, B. R. C.

5. The Commissioner appointed under the last preceding Section shall, subject to the control of the Government, exercise the powers and discharge the duties conferred and imposed upon him in accordance with that Section, and, so far as is consistent with this Regulation, all such other powers or duties of appeal, superintendence and control within the Territories of Mysore and over the officers subordinate to him as may from time to time be prescribed by a general order of the Government. All Revenue Officers shall be subordinate to him.

Duties and powers of Commissioner.

Section 7, B. R. C.

6. The Territories of Mysore shall be divided into such number of Districts with such limits as may, from time to time, be prescribed by a duly published order of the Government.

The Territories of Mysore to be divided into Districts.

493.

And each such District shall consist of such number of Taluks, and each Taluk shall consist of such number of villages, as may, from time to time, be prescribed in a duly published order of the Government.

A District to consist of such Taluks comprising such number of Villages as Government may direct.

The present Districts, Taluks and Villages shall remain as they are for the purposes of this Regulation until altered by the Government.

Present Districts, Taluks, &c.

Section 8, B. R. C.

7. The Government shall appoint in each District an officer who shall be called the Deputy Commissioner of the District, and who may exercise throughout his District, all the powers and discharge all the duties conferred and imposed on a Deputy or Assistant Commissioner by this Regulation, or any other law for the time being in force, and in all matters not specially provided for by law shall act according to the instructions of the Government.

Deputy Commissioner of the District.

Section 9, B. R. C.

8. The Government may appoint to each District so many Assistant Commissioners as it may deem expedient.

Assistant Commissioners.

All such Assistant Commissioners and all other officers employed in the land revenue administration of the District shall be subordinate to the Deputy Commissioner.

To be subordinate to the Deputy Commissioner.

Section 10, B. R. C.

9. The Government may place any Assistant Commissioner in charge of the revenue administration of one or more of the Taluks in a District.

Their duties and powers.

Any Assistant Commissioner thus placed in charge shall perform all the duties and exercise all the powers imposed and conferred upon the Deputy Commissioner by this Regulation, or by any other law at the time being in force, so far as regards the Taluk or Taluks in his charge; and his immediate superior authority for the purpose of Section 219 shall be deemed to be the Government.

To such Assistant Commissioner as may not be placed in charge of Taluks, the Deputy Commissioner shall, under the general or special orders of the Government, assign such particular duties and powers as he may from time to time see fit.

Section 11, B. R. C.

10. If the Deputy Commissioner is disabled from performing his duties, or for any reason vacates his office, or leaves his District, or dies, his Assistant of highest rank present in the District shall, unless other provision has been made by the Government, succeed temporarily to his office, and shall be held to be the Deputy Commissioner of the District under this Regulation, until the Deputy Commissioner resumes charge of his District, or until the Government appoints a successor to the former Deputy Commissioner, and such successor takes charge of his appointment.

Deputy Commissioner of the District in case of temporary vacancy.

Section 12, B. R. C.

The Amildar & his appointment.

11. The chief officer entrusted with the local revenue administration of a Taluk shall be called an Amildar. He shall be appointed by the Government.

His duties and powers.

His duties and powers shall be such as may be expressly imposed or conferred upon him by this Regulation, or by any other law for the time being in force, or as may be imposed upon, or delegated to, him by the Deputy Commissioner under the general or special orders of the Government. He shall, after the passing of this Regulation, continue to perform the duties and exercise the powers at present performed and exercised by him until such time as he is otherwise directed by competent authority.

Section 13, B. R. C.

The Deputy Amildar, his duties and powers.

12. Whenever it may appear necessary, the Government may appoint a Deputy Amildar to be in charge of a defined portion of a Taluk and may assign to him within his local limits such of the duties and powers of an Amildar as may, from time to time, be considered necessary. The Deputy Amildar's immediate superior authority shall, for the purposes of Section 219 of this Regulation, be deemed to be the Assistant Commissioner in charge of the Taluk, or, if no Assistant Commissioner is placed in charge of the Taluk, the Deputy Commissioner.

Section 14, B. R. C.

Amildar or Deputy Amildar may depute subordinates to perform certain of their duties.

13. It shall be competent to an Amildar or Deputy Amildar, subject to such general orders as may from time to time be passed by the Government or by the Deputy Commissioner, to employ any of his subordinates to perform any portion of his ministerial duties: Provided that all acts and orders of his subordinates when so employed shall be liable to revision and confirmation by such Amildar or Deputy Amildar.

Section 15, B. R. C.

Amildar in case of temporary vacancy.

14. If an Amildar is disabled from performing his duties, or for any reason vacates his office, or leaves his Taluk, or dies, either the Deputy Amildar, or, if there is no Deputy Amildar in the Taluk, the Sheristadar of the Taluk, shall succeed temporarily to the said Amildar's office and shall be held to be the Amildar under this Regulation until the Amildar resumes charge of his Taluk, or until such time as a successor is duly appointed and takes charge of his appointment.

Section 16, B. R. C.

Stipendiary Patel and Village Accountant to be appointed where no hereditary Patel or Village Accountant exists.

15. In villages where no hereditary Patel or Village Accountant exists, it shall be lawful for the Deputy Commissioner, under the general orders of the Government, to appoint a stipendiary Patel or Village Accountant, who shall perform respectively all the duties of hereditary Patels or Village Accountants as hereinafter prescribed in this Regulation, or in any

495

other law for the time being in force, and shall hold their situations under the rules in force with regard to subordinate Revenue Officers.

Saving the rights of holders of alienated villages.

Nothing in this Section shall be held to affect any subsisting rights of holders of alienated villages or others in respect of the appointment of Patels and Village Accountants in such alienated or other villages.

Section 17, B. R. C.

Village Accountant to keep such records as he may be required to keep by Government.

16. The Government shall prescribe, from time to time, what registers, accounts and other records shall be kept by the Village Accountant; and pending the first issue of orders under this Section, the Village Accountant shall continue to keep all such registers, accounts and other records as he may hitherto have been required to keep.

And to prepare public writings.

It shall also be the duty of the Village Accountant to prepare, whenever called upon by the Patel of his village or by any superior Revenue or Police officer of the Taluk or District to do so, all writings connected with the concerns of the village which are required either for the use of the Government or the public, such as notices, reports of inquests, and depositions and examinations in criminal matters.

Holder of alienated village to keep such records as are prescribed by Government.

17. (1). Every holder of an alienated village shall be bound to keep such registers, accounts, and other records as are prescribed by Section 16, or as may from time to time be prescribed by Government to be kept for alienated villages. He shall be responsible for the punctual and correct preparation of such registers, accounts and other records, and shall deposit, with the Deputy Commissioner, true copies of such of them as the Government may, either by a general or special order, from time to time, direct.

Village Accountant in alienated village to keep such records.

(2). Where there is a Village Accountant, it shall be his duty to prepare and keep the registers, accounts and other records referred to in this Section, under the control of the holder of the alienated village or his agent.

Procedure on failure of holder of alienated village to keep registers, &c.

(3). When the holder of the alienated village fails to keep any registers, accounts or other records, or to deposit copies of them with the Deputy Commissioner, in accordance with the provisions of this Section, it shall be lawful for the Deputy Commissioner to cause such registers, accounts or other records or copies of them to be prepared by any other person and to levy the cost of such preparation from the holder of the alienated village, as if it were a revenue demand.

496.

Section 18, B. R. C.

Survey officers.

18. For the purposes of Chapters VIII, IX, and X of this Regulation, the Government may appoint such officers as it may, from time to time, consider necessary. Such officers shall be designated "Superintendent and Deputy Superintendent of Survey and Settlement," "Survey Settlement Officer," and "Assistant Superintendent," or otherwise as may seem requisite, and shall be subordinated the one to the other in such order as the Government may direct.

Their duties and powers.

Subject to the orders of the Government, the officers so appointed are vested with the cognizance of all matters connected with survey and settlement, and shall exercise all such powers and perform all such duties as may be prescribed by this or any other law for the time being in force.

Section 19, B. R. C.

Combination of offices.

19. It shall be lawful for the Government to appoint one and the same person, being otherwise competent according to law, to any two or more of the offices provided for in this Chapter, or to confer upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise as may seem expedient.

Section 20, B. R. C.

Certain officers' appointments to be notified.

20. The appointment of all officers mentioned in Sections 4, 7, 8, 9, 11, 12, 18 and 19 shall be duly notified.

Acting appointments.

Any officer appointed to act temporarily for any such officer shall exercise the same powers and perform the same duties as might be performed or exercised by the officer for whom he is so appointed to act.

Section 21, B. R. C.

Establishments.

21. Subject to the rules or orders made under Section 241, the appointment of all members of the establishments of the undermentioned officers shall, unless otherwise directed by Government, be made by those officers respectively, *viz* :—

The Deputy Commissioner ;
The Superintendent of Survey and the Deputy Superintendent of Survey ;
The Survey Settlement Officer :

The appointment of all members of the establishments of all other officers mentioned in the foregoing Sections of this Chapter shall be made in their respective departments by the Deputy Commissioner and the Superintendent of Survey : Provided that it shall be lawful for them to delegate such portion of this power as they may deem fit to any subordinate officer, but subject to the retention of a right of revision at any time of the appointments which may be made by such subordinate officers.

Section 22, B. R. C.

Seals.

22. The Government shall, from time to time, by notification prescribe what Revenue Officers shall use a seal, and what size and description

of seal shall be used by each of such officers. Pending the issue of the first orders under this Section, the seals hitherto used shall continue to be used by such officers as have used them.

CHAPTER III.

OF THE SECURITY TO BE FURNISHED BY CERTAIN REVENUE OFFICERS AND THE LIABILITY OF PRINCIPALS AND SURETIES.

Section 23, B. R. C.

Government to direct what officers shall furnish security and for what amount.

23. It shall be lawful for the Government to direct that such Revenue officers as it deems fit shall, previously to entering upon their office, furnish security to such amount as Government may in each case deem expedient either by deposit of Government paper duly endorsed, accompanied by a power to sell, or by deposit of cash in a Government Treasury or Government Savings Bank to the credit of the Government, or by the conveyance to the Government of approved immovable property, whose estimated value may bear to the amount of security required any proportion prescribed by the Government, or in the form contained in Schedule C to this Regulation.

The amount for which such security shall be furnished may be varied from time to time by order of the Government, which shall also determine the number of sureties to be required when security is taken in the form of Schedule C.

Section 24, B. R. C.

Fresh or additional security.

24. The Deputy Commissioner or the Superintendent of Survey may, at any time after security has been given by a Revenue Officer subordinate to him, if it appear to him that the security taken is unsatisfactory, or if the officer is transferred to an office for which larger security is required, or for other sufficient reason, demand fresh or additional security, and, in case of the officer failing to give such security within one month after its being required of him, may suspend or dismiss him:

Provided always that no greater security shall be demanded than is required by the orders of the Government under the last preceding Section.

Section 25, B. R. C.

Demands for money, papers, &c. to be made known in writing to person concerned.

25. The Deputy Commissioner or the Superintendent of Survey, or any other officer deputed by the Deputy Commissioner or Superintendent of Survey for this purpose, shall, in all cases in which he may have a claim on any Revenue officer or any person formerly employed as such in his District or Department for public money or papers or other Government property, by writing under his official seal, if he use one, and signature, require the money or the particular papers or property detained to be delivered either immediately to the person

bearing the said writing, or to such person on such date and at such place as the writing may specify.

Who may be arrested and confined in jail if they fail to produce them.

If the officer or other person as aforesaid shall not discharge the money, or deliver up the papers or property as directed, he may cause him to be apprehended, and may send him with a warrant, in the form of Schedule **D**, to be confined in the civil jail till he discharges the sums or delivers up the papers or property demanded from him.

Provided that no person shall be kept in confinement for more than a month.

Provided that no person shall be detained in confinement by virtue of such warrant for a longer period than one calendar month.

Section 26, B. R. C.

Public money may also be recovered as arrears of revenue.

26. The Deputy Commissioner, of his own motion, if the officer or other person is or was serving in his Department and District, and upon the application of the Superintendent of Survey, if such officer or person is or was serving in the Survey Department in his District, may also take proceedings to recover any public moneys due by him in the same manner and subject to the same rules as are laid down in this Regulation for the recovery of the arrears of land revenue from defaulters, and, for the purpose of recovering public papers or other property appertaining to Government, may issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter 27 of the Criminal Procedure Code, 1872.

Search warrants may be issued for recovery of papers or property.

Persons in possession of public moneys, &c., bound to give them up.

It shall be the duty of all persons in possession of such public moneys, papers or other property appertaining to Government, to make over the same forthwith to the Deputy Commissioner, and every person knowing where any such property is concealed shall be bound to give information of the same to the Deputy Commissioner.

Section 27, B. R. C.

Surety liable in the same manner as principal.

27. The surety or sureties of such officer or other person as aforesaid, who may enter into a bond, in the form of Schedule **C**, shall be liable to be proceeded against jointly and severally in the same manner as his or their principal is liable to be proceeded against in case of default, and notwithstanding such principal may be so proceeded against:

Extent of liability.

Provided always that in any case of failure to discharge or make good any sum of money due to Government or to produce any property of Government of ascertained value, no greater sum than is sufficient to cover any loss or damage which

the Government may actually sustain by the default of the principal, shall be recovered from the surety or sureties, as the amount which may be due from such surety or sureties under the terms of the security bond executed by him or them :

Surety or sureties not liable to imprisonment if penalty be paid.

And provided also that the said surety or sureties shall in no case be liable to imprisonment in default of producing public papers or property, if he or they pay into the Government Treasury the whole or such part of the penalty named in the bond as may be demanded.

Section 28, B. R. C.

An officer or surety in jail may by furnishing certain security obtain his release.

28. If an officer or other person as aforesaid, or his surety or sureties against whom a demand is made, shall give sufficient security in the form of Schedule E, the Deputy Commissioner shall cause such officer or surety if in custody to be liberated and countermand the sale of any property that may have been attached, and restore it to the owner or other person from whose possession such property may have been seized.

Section 29, B. R. C.

Liability of surety not affected by death of principal or by his taking a different appointment.

29. The liability of the surety or sureties shall not be affected by the death of a principal, or by his appointment to a situation different from that which he held when the bond was executed, but shall continue so long as the principal occupies any situation in which security is required under Section 23 and until his bond is cancelled.

Liability of heirs of deceased officer.

The heirs of a deceased officer shall be bound to deliver to Government all public money or papers or other Government property which may have come into their possession or control, and they may be proceeded against in the same manner as the deceased officer, if alive, could have been proceeded against : Provided that when money is claimed, the heirs shall be liable only to the extent of assets inherited by them from the deceased.

Section 30, B. R. C.

How surety may withdraw from further liability.

30. Any surety, whether under a separate or joint bond, may withdraw from his suretyship at any time, on his stating in writing to the officer to whom the bond has been given, that he desires so to withdraw ; and his responsibility under the bond shall cease after sixty days from the date on which he gives such writing, as to all demands upon his principal concerning moneys, papers or other property for which his principal may become chargeable after the expiration of such period of sixty days, but shall not cease as to any demands for which his principal may have become liable before the expiration of such period, even though the facts establishing such liability may not be discovered till afterwards.

CHAPTER IV.

OF CERTAIN ACTS PROHIBITED TO REVENUE OFFICERS AND OF THEIR PUNISHMENT FOR MISCONDUCT.

Section 31, B. R. C.

Prohibited acts.

31. No Revenue officer shall, except with the express permission of the Government, or of the Deputy Commissioner or Superintendent of Survey, to whom he is subordinate,

Not to trade.

(1) engage in trade, or be in any way concerned directly or indirectly, either as principal or agent, in any commercial transaction whatever:

Not to purchase at public sale.

(2) purchase, or bid either in person or by agent or in his own name or in the name of another, or jointly or in shares with others, for any property which may, under the provisions of this Regulation or of any other law for the time being in force, be sold by order of any Revenue or Judicial authority in the District in which such officer is at the time employed:

(3) And no Revenue officer shall

Not to make private use of public money or property.

(*a*) derive either for himself or for any other individual any profit or advantage beyond his lawful salary or emolument from any public money or property with the collection or charge of which he is entrusted or connected; or

Not to make or receive undue exactions or presents.

(*b*) demand or receive under the color or by the exercise of his authority as such Revenue officer or by way of gratification or otherwise, or knowingly permit any other person to demand or receive on his behalf, any sum or any consideration whatever over and above what he is legally entitled to demand or receive under the provisions of this Regulation or of any other law for the time being in force.

Section 32, B. R. C.

Power of fining, reducing, suspending and dismissing in whom to vest.

32. Subject to rules or orders made under Section 241, all Revenue officers may be fined, reduced, suspended or dismissed for any such offence as is described in the last preceding Section, or for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty, or other misconduct by the authority by whom such officer is appointed, or by any authority superior to such authority; and this power may be delegated by such first named authority in whole or in part to any subordinate officer on the same condition that the power of appointment may be delegated under Section 21.

Section 33, B. R. C.

All such orders to be made in writing.

33. When any Revenue officer passes an order for fining, reducing, suspending or dismissing any subordinate officer, he shall record such order or cause the same to be recorded

501.

together with the reasons therefor, in writing under his signature in the Canarese language or in English.

Section 34, B. R. C.

Fine not to exceed two months' pay.

34. No fine inflicted under the foregoing provisions shall in any case exceed the amount of two months' pay of the office held by the offender at the time of the commission of the offence.

And how recovered.

All fines inflicted under this Chapter may be recovered from the officer's pay, or, if necessary, may be realized in the same way as arrears of land revenue are recoverable under this Regulation.

Section 35, B. R. C.

Appeals.

35. If the Deputy Commissioner or Superintendent of Survey, whether of his own motion, or on appeal from a subordinate officer's order, pass an order for fining, reducing, suspending, or dismissing any Revenue officer subordinate to him, whose monthly salary exceeds thirty rupees, an appeal shall lie to the Government.

Section 36, B. R. C.

An officer's liability to criminal prosecution not affected by this Regulation.

36. Nothing in this Chapter shall affect any officer's liability to a criminal prosecution for any offence with which he may be charged.

Officer may be suspended during trial and subsequently suspended, reduced or dismissed.

Any officer, subjected to such prosecution, may be suspended pending the trial, and at its close may, upon a consideration of the circumstances brought to light during its course, be suspended, reduced or dismissed by any competent authority, whether he have been found guilty or not.

CHAPTER V.

OF LAND AND LAND REVENUE.

Land.

Section 37, B. R. C.

All public roads and all lands which are not the property of others belong to Government.

37. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on, or beside the same, the bed of rivers, streams, nallas, lakes, and tanks, and all canals, and water-courses and all standing and flowing water, and all lands wherever situated, which are not the property of individuals, or of aggregates of individuals legally capable of holding property, and except in so far as any rights of such individuals may be established in or over the same, and except as may be otherwise provided in any law for the time being in force, are and are hereby declared to be, with all rights in or over the same,

502

or appertaining thereto, the property of Government; and it shall be lawful for the Deputy Commissioner to dispose of them in such manner as may be authorized by Government, subject always to the rights of way, and all other rights of the public or of individuals legally subsisting.

38. When it is proved on a formal enquiry before the Deputy Commissioner that any public road, street or thoroughfare, or any place of public resort or use, or the bed of any river, stream, nalla, tank or canal, the property of Government, has been encroached upon by any person, the Deputy Commissioner may take possession of the part encroached upon, unless such part is shown to have been held for a period of not less than 12 years. It shall be lawful for the Deputy Commissioner to clear such land by the removal of any buildings or other obstructions, in the event of the person in occupation thereof, or other person interested, after written notice of not less than one month shall have been served upon him, failing to do so himself.

When the person in occupation is a tenant of, or co-owner with, another person, and in every case in which another person is, to the knowledge of the person in occupation, interested in the property to which such notice relates, it shall be the duty of the person in occupation to give such notice or a copy thereof or intimation thereof to such other person; and, for any failure in such duty causing injury, he shall be responsible in damages.

39. When land is taken possession of, under the last preceding Section, in any town to which Bombay Act I of 1865 or Act IV of 1868 has been applied, reasonable compensation shall be given to the owner, or other person interested, in respect of buildings proved to have been erected previous to the application of such Act.

Provided that it shall in no case be necessary to give compensation in respect of the removal of cess-pools, or of door-steps, benches, or other projections of whatever kind or material, and provided also that if the compensation offered by the Deputy Commissioner be not accepted, the amount of compensation due shall be fixed under the provisions of Part III of Act X of 1870.

40. Unless it is otherwise expressly provided by the terms of any grant made, or of any other instrument of transfer executed, by the Government for the time being, the right to all precious metals, precious stones, coals and other minerals to be extracted by any process of mining from any lands whatsoever, shall vest absolutely in the Government, and the Government shall have all the powers necessary for the proper enjoyment or disposal of such rights.

Provided that, in the exercise of the rights herein referred to, either by the Government or by any person acquiring such rights from the Government, no lands in the holding or enjoyment of others shall, without their permission, be entered upon. The fact that any land not at the disposal of Government is required for mining purposes either by Government or by persons acquiring mining rights

from Government, shall be deemed to be a ground for the acquisition of such land for a public purpose under the provisions of the Land Acquisition Act X of 1870.

Provided further that, whenever, in the exercise of the rights referred to in this Section, any damage is caused to any holder of land by the disturbance of the surface of such land, such holder shall be entitled to compensation for such damage, and the amount of such compensation shall, where necessary, be determined in accordance with the provisions of the Land Acquisition Act X of 1870.

Section 38, B. R. C.

Lands may be assigned for special purposes and where so assigned shall not be otherwise appropriated without the sanction of Government.

41. The Government may, at any time whatsoever, and, subject to the general orders of the Government, Survey officers may, whilst survey operations are proceeding under Chapter VIII of this Regulation, set apart lands, the property of Government and not in the lawful occupation of any person or aggregate of persons in unalienated villages or unalienated portions of villages, for free pasturage for the village cattle, for forest reserves, or for other public or municipal purpose; and lands assigned specially for any such purpose shall not be otherwise appropriated or assigned without the sanction of the Government; and in the disposal of land under Section 37, due regard shall be had to all such special assignments.

Section 39, B. R. C.

Regulation of use of pasturage.

42. The right of grazing on free pasturage lands shall extend only to the cattle of the village or villages to which such lands belong or have been assigned, and shall be regulated by rules to be, from time to time, either generally or in any particular instance, prescribed by the Deputy Commissioner, subject to such general rules, if any, as may be prescribed by the Government. The Deputy Commissioner's decision as to the said right of grazing shall be conclusive.

Trees.

43. In Government reserved forests, the right to all trees brushwood, jungle or other natural product, as well as the grazing right, vests in the Government.

44. The right to the nine descriptions of reserved timber growing on lands set apart for forest reserves under Section 32 of Bombay Act I of 1865 or Section 41 of this Regulation, vests in the Government. The right to all other descriptions of timber growing on such lands vests in the village or villages to which such lands belong or are assigned; and the exercise of this right by the inhabitants of such village or villages shall be regulated by such rules as may, from time to time, be prescribed by the Government in this behalf.

The nine descriptions of reserved timber referred to in this Section are :—

1. Honne.	4. Wild Jack.	7. Teak.
2. Lac tree.	5. Poon.	8. Black-wood.
3. Nandi.	6. Karachi.	9. Sandalwood.

45. In the case of land already occupied at the time of the Survey settlement made under Bombay Act I of 1865, or under Chapter VIII of this Regulation, or of land taken up for occupation at or after that settlement,

(*a*) the nine descriptions of reserved timber specified in Section 44 shall vest in the Government, which shall remove or cause to be removed all such reserved timber within the period of two years from the date of settlement or from the date of the survey number being taken up, as the case may be. Should the Government not remove, or cause to be removed, such timber within the said period of two years, the same, except sandalwood, shall belong to the occupant ; and

(*b*) all trees, brushwood or jungle, except the nine descriptions of reserved timber specified in Section 44, shall vest absolutely in the occupant.

46. In villages of which the Survey settlement has not been completed either under Bombay Act I of 1865, or under Chapter VIII of this Regulation, all trees of the nine descriptions of reserved timber specified in Section 44 vest in the Government ; and all other trees, in the occupant, if any, of the land upon which they may be standing.

Section 41, B. R. C.

Government trees and forests.

47. The right to all trees, brushwood, jungle or other natural product, wherever growing, except in so far as the same may be the property of individuals or of aggregates of individuals capable of holding property, vests in the Government : and such trees, brushwood, jungle or other natural product shall be preserved or disposed of in such manner as Government may, from time to time, direct.

Section 42, B. R. C.

Road-side trees.

48. All road-side trees which have been planted and reared by, or under the orders of, or at the expense of, Government, or at the expense of Local Funds, vest in Government. But in the event of such trees dying, or being blown down, or being cut down by order of the Deputy Commissioner, the timber shall become the property of the holder of the land in which they were growing : and the usufruct, including the loppings of such trees, shall also vest in the said holder. Provided that the trees shall not be lopped except under the orders of the Deputy Commissioner.

If the holder of any land in which such trees are growing shall so desire and shall make an application to the Deputy Commissioner for the purpose at any time within two years from the date on

which this Regulation shall come into operation, the Deputy Commissioner shall deduct the strip of land covered by the said trees from his holding and remit thenceforward the proportionate amount of land revenue due upon the strip so deducted. Any strip of land so deducted shall, with the trees upon it, vest thereafter in Government.

Section 43, B. R. C.

Recovery of value of trees, &c., unauthorizedly appropriated.

49. Any person, who shall unauthorizedly fell and appropriate any tree or any portion thereof or remove any other natural product which is the property of Government, shall be liable to Government for the value thereof, which shall be recoverable from him as an arrear of land revenue, in addition to any penalty to which he may be liable under the provisions of this Regulation for the occupation of land or otherwise, and notwithstanding any criminal proceedings which may be instituted against him in respect of his said appropriation of Government property.

The decision of the Deputy Commissioner as to the value of any such tree or portion thereof, or other natural product, shall be conclusive.

Land Revenue.

Section 45, B. R. C.

All land liable to pay revenue unless specially exempted.

50. All land, whether applied to agricultural or other purposes, and wherever situate, is liable to the payment of land revenue to Government according to the rules hereinafter enacted, except such as may be wholly exempted under the provisions of any special contract with the Government or any law for the time being in force. But nothing in this Regulation shall be deemed to affect the power of the Government to direct by law the levy of revenue on all lands, under whatever title they may be held, whenever and so long as the exigencies of the State may render such levy necessary.

Section 46, B. R. C.

Liability of alienated lands to land revenue.

51. All alluvial lands, newly formed islands or abandoned river-beds, which vest, under any law for the time being in force, in any holder of alienated land, shall be subject, in respect of liability to the payment of land revenue, to the same privileges, conditions or restrictions as are applicable to the original holding, in virtue of which such lands, islands or river-beds so vest in the said holder: but no revenue shall be leviable in respect of any such lands, islands or river-beds, until or unless the area of the same exceeds half an acre and also exceeds one-tenth of the area of the said original holding.

Section 47, B. R. C.

Assessment of land revenue in cases of diluvion.

52. Every holder of land paying revenue in respect thereof shall be entitled, subject to such rules as may be, from time to time, made in this behalf by the Government, to a decrease of assessment if any portion thereof, not

being less than half an acre in extent, nor less than one-tenth of the holding, is lost by diluvion.

Section 48, B R. C.

Land revenue upon what descriptions of lands chargeable.

53. The land revenue leviable under the provisions of this Regulation shall be chargeable,

(a) upon land appropriated for purposes of agriculture ;

(b) upon land from which any other profit or advantage than that ordinarily acquired by agriculture is derived ;

(c) upon land appropriated for building sites.

Assessment subject to variation if purpose for which land is held is changed.

And the assessment fixed under the provisions of this Regulation upon any land appropriated for any one of the above purposes shall be liable to be altered and fixed at a different rate, when such land is appropriated for any other purpose, notwithstanding that the term, if any, for which such assessment was fixed may not have expired.

Land held rent-free for one purpose liable to assessment if used for another purpose.

When any land which is situated in an unalienated village, or which, being situated in an alienated village, is excluded from the assets thereof, has been allowed by Government to be held free of assessment or on a reduced assessment on condition of its being appropriated to one purpose, it shall become liable to be charged with full assessment, if at any time it ceases to be appropriated for such purpose.

Appropriation of land to certain purposes may be prohibited.

It shall also be lawful for the Deputy Commissioner or for a Survey officer, subject to rules or orders made in this behalf under Section 241, to prohibit the appropriation of any unalienated land liable to the payment of land revenue for certain purposes, and to summarily evict any holder who may appropriate, or attempt to appropriate, the same to such prohibited purposes.

Section 49, B. R. C.

Commuted assessment of land indirectly taxed to the State.

54. (1).—When it has been customary to levy any special or extra cess, fine, or tax, however designated, from any holder of land, which, though nominally wholly or partially exempt from the payment of land revenue, has, by the exaction of such cess, fine, or tax, been indirectly taxed to the State ;

And of land liable to occasional assessment.

Or, when any land ordinarily, or under certain circumstances, wholly or partially exempt from assessment, is subject occasionally, or under particular circumstances, to the payment of assessment, or of any cess, or tax, however designated ;

the said assessment, cess, fine, or tax may be commuted

into an annual assessment on the land to be paid under all circumstances; but such commuted assessment shall not exceed such amount as the Government shall deem to be a fair equivalent of the assessment, cess, fine or tax for which it is substituted, and shall not be in excess of the assessment to which the land would be ordinarily subject, if no right to exemption existed in respect thereof.

Section 50, B. R. C.

Superior holder may recover commuted assessment from inferior holder.

(2). Whenever any such cess, fine or tax hitherto payable by an inferior holder shall be made leviable from the superior holder, it shall be lawful for such superior holder to recover from such inferior holder the amount of the commuted assessment fixed in lieu of such cess, fine or tax.

Section 51, B. R. C.

Excess of assessment may be levied on land inadequately assessed held with it.

(3). When it has been customary to levy a larger revenue upon any portion of land than such portion would ordinarily be liable to, in consideration of other land being held with it, which is wholly or partially exempt from payment of revenue, the excess of revenue payable on the said portion of land may be charged upon the land hitherto held wholly or partially exempt.

Section 52, B. R. C.

Assessment by whom to be fixed.

55. On all lands not wholly exempt from payment of land revenue, and not within the local operation of an order made under Section 112, the assessment of the amount to be paid as land revenue shall be fixed at the discretion of the Deputy Commissioner, subject to rules or orders made in this behalf under Section 241, and the amounts due according to such assessment shall be levied on all such lands:

Provided that in the case of lands partially exempt from land revenue, or the liability of which to payment of land revenue is subject to special conditions or restrictions, respect shall be had, in the fixing of the assessment and the levy of the revenue, to all rights legally subsisting, according to the nature of the said rights.

Section 53, B. R C.

Register of alienated lands.

56. A register shall be kept by the Deputy Commissioner in such form as may, from time to time, be prescribed by the Government, of all lands the alienation of which has been established or recognized under the provisions of any law for the time being in force; and when it shall be shown to the satisfaction of the Deputy Commissioner that a sannad, granted in relation to any such alienated lands, has been permanently lost or destroyed, he may, subject to the rules and the payment of the fees prescribed by the Government under Section 240, grant to any person whom he may deem entitled to the same a certified extract from the said register, which shall be endorsed by the Deputy Commissioner to the effect that it has been issued in lieu of the sannad said to have been lost or destroyed, and shall be deemed to be as valid a proof of title as the said sannad.

Section 54, B. R. C.

Settlement of assessment to be made with the holder directly from Government.

57. The settlement of the assessment of each portion of land or survey number, to the land revenue, shall be made with the person who, under Section 151, is primarily responsible to Government for the same.

Or, if he is absent and have left no agent, with the next holder.

If the said person be absent and have left no known authorized agent in the District, so that the settlement of the assessment cannot be concluded with him, such settlement may be made with the person holding under him, or in occupation of the land.

Section 55, B. R. C.

Rates for the use of water.

58. The Government may authorize the Deputy Commissioner or the officer in charge of a survey or such other officer as it appoints, to fix such rates, as it may from time to time deem fit to sanction, for the use, by land-holders and other persons, of water, the right to which vests in Government, or which has been made available in consequence of the construction, improvement or repair of any irrigational or other work by, or at the instance of, Government. Such rates shall be liable to revision at such periods as Government shall from time to time determine, and shall be recoverable as land revenue.

Section 56, B. R. C.

Land revenue to be a paramount charge on the land.

59. Arrears of land revenue due on account of land by any land-holder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or alienated holding together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land, or permanently fastened to anything attached to the land, liable to forfeiture, whereupon the Deputy Commissioner may levy all sums in arrear by sale of the occupanay or alienated holding, freed from all tenures, incumbrances and rights created by the occupant or holder or any of his predecessors in title or in any wise subsisting as against such occupant or holder, or may otherwise dispose of such occupancy or alienated holding under rules or orders made in this behalf under Section 241.

Section 57, B. R. C.

Forfeited holding may be taken possession of and otherwise disposed.

60. It shall be lawful for the Deputy Commissioner, in the event of the forfeiture of a holding through any default in payment or other failure occasioning such forfeiture under the last Section or any law for the time being in force, to take immediate possession of the land embraced within such holding and to dispose of the same by placing it in the possession of the purchaser or other person entitled to hold it according to the provisions of this Regulation or any other law for the time being in force.

Section 54, B. R. C.

Settlement of assessment to be made with the holder directly from Government.

57. The settlement of the assessment of each portion of land or survey number, to the land revenue, shall be made with the person who, under Section 151, is primarily responsible to Government for the same.

Or, if he is absent and have left no agent, with the next holder.

If the said person be absent and have left no known authorized agent in the District, so that the settlement of the assessment cannot be concluded with him, such settlement may be made with the person holding under him, or in occupation of the land.

Section 55, B. R. C.

Rates for the use of water.

58. The Government may authorize the Deputy Commissioner or the officer in charge of a survey or such other officer as it appoints, to fix such rates, as it may from time to time deem fit to sanction, for the use, by land-holders and other persons, of water, the right to which vests in Government, or which has been made available in consequence of the construction, improvement or repair of any irrigational or other work by, or at the instance of, Government. Such rates shall be liable to revision at such periods as Government shall from time to time determine, and shall be recoverable as land revenue.

Section 56, B. R. C.

Land revenue to be a paramount charge on the land.

59. Arrears of land revenue due on account of land by any land-holder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or alienated holding together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land, or permanently fastened to anything attached to the land, liable to forfeiture, whereupon the Deputy Commissioner may levy all sums in arrear by sale of the occupanay or alienated holding, freed from all tenures, incumbrances and rights created by the occupant or holder or any of his predecessors in title or in any wise subsisting as against such occupant or holder, or may otherwise dispose of such occupancy or alienated holding under rules or orders made in this behalf under Section 241.

Section 57, B. R. C.

Forfeited holding may be taken possession of and otherwise disposed.

60. It shall be lawful for the Deputy Commissioner, in the event of the forfeiture of a holding through any default in payment or other failure occasioning such forfeiture under the last Section or any law for the time being in force, to take immediate possession of the land embraced within such holding and to dispose of the same by placing it in the possession of the purchaser or other person entitled to hold it according to the provisions of this Regulation or any other law for the time being in force.

Section 58, B. R. C.

Receipts to be granted by Revenue officers for payments of land revenue.

61. Every Revenue officer receiving payment of land revenue shall give a written receipt for the same.

And every superior holder of an alienated village or of an alienated share of a village, or a duly authorized agent of such superior holder, shall give a written receipt for every payment of rent or land revenue made to him by an inferior holder, and every such receipt shall be countersigned by the Village Accountant, if there be any.

And by certain superior holders for payments of rent or revenue.

Section 59, B. R. C.

Penalty for failure to grant receipts.

62. Any person convicted of a breach of the provisions of the last preceding Section after summary enquiry before the Deputy Commissioner, shall be liable to a fine not exceeding three times the amount received for which a receipt was not duly granted, and one-half of the fine may, at the discretion of the Deputy Commissioner, be paid to the informer, if any. Such inquiry may, at any time, be instituted by the Deputy Commissioner of his own motion without any complaint being preferred to him.

CHAPTER VI.

OF THE OCCUPATION OF UNALIENATED LAND AND THE RIGHTS OF OCCUPANTS.

Occupation.

Section 60, B. R. C.

Written permission of Amildar required previous to taking up unoccupied land.

63. Any person desirous of taking up unoccupied land which has not been alienated must, previously to entering upon occupation, obtain the permission in writing of the Amildar or Deputy Amildar.

Section 61, B. R. C.

Penalties for unauthorized occupation of land.

64. Any person who shall unauthorizedly occupy any land set apart for any special purpose, or any unoccupied land which has not been alienated, shall,

if the land, which he unauthorizedly occupies, forms part of an assessed survey number, pay the assessment of the entire number for the whole period of his occupation, and,

if the land so occupied by him has not been assessed, such amount of assessment as would be leviable for the said period in the same village on the same extent of similar land appropriated to the same purpose;

and shall also be liable, at the discretion of the Deputy Commissioner, to a fine not exceeding five rupees, or a sum equal to ten

times the amount of assessment payable by him for one year, if such sum be in excess of five rupees, if he have taken up the land for purposes of cultivation, and not exceeding such limits as may be fixed in rules or orders made in this behalf under Section 241, if he have appropriated it to any non-agricultural purpose.

The Deputy Commissioner's decision as to the amount of assessment payable for the land unauthorizedly occupied shall be conclusive, and in determining the amount of assessment payable for the land unauthorizedly occupied, occupation for an incomplete portion of a year shall be counted as for a whole year.

The person unauthorizedly occupying any such land may be summarily evicted by the Deputy Commissioner, and any crop he may have raised on the land shall be liable to forfeiture, and any building or other construction he may have erected thereon shall also, if not removed by him after such written notice as the Deputy Commissioner may deem reasonable, be liable to forfeiture.

Forfeitures under this Section shall be adjudged by the Deputy Commissioner, and any property so forfeited shall be disposed of as the Deputy Commissioner may direct.

Section 62, B. R. C.

Occupancy right to be paid for and to be liable to certain conditions.

65. It shall be competent to the Deputy Commissioner, subject to such orders as may, from time to time, be made by the Government, to require the payment of a certain price for the occupancy, or to sell that right by auction, and to annex such conditions to the occupancy as may seem fit, before permission to occupy is granted under Section 63.

Price to include price of trees.

The price of an occupancy shall, unless otherwise directed by the terms of the sale, include the price of the Government right to all trees not reserved under the provisions of Section 45, and shall be recoverable as an arrear of land revenue.

Section 63, B. R. C.

Occupancy of alluvial land which vests in Government.

66. When it appears to the Deputy Commissioner that the occupancy of any alluvial land which vests, under any law for the time being in force, in Government, may, with due regard to the interests of the public revenue, be disposed of in perpetuity, he shall offer the prior right of occupancy thereof to the occupant, if any, of the bank or shore on which such alluvial land has formed.

The price of an occupancy so offered shall not exceed three times the annual assessment of the land of which the occupancy is offered.

If the said occupant shall refuse such occupancy, the Deputy Commissioner may dispose of the same under the last preceding Section without any restrictions as to the price thereof.

Section 64, B. R. C.

Temporary right to alluvial land of small extent.

67. When alluvial land forms on any bank or shore, the occupant, if any, of such bank or shore, shall be entitled to the temporary use and occupation thereof, unless or until the area of the same exceeds half an acre, and also exceeds one tenth of the area of his holding. When the area of the alluvial land exceeds the said extent, it shall be at the disposal of the Deputy Commissioner, subject to the provisions of the last preceding Section.

The word "Holding" in this Section and in Section 52 shall be deemed to mean a survey number, or any division of land on which a distinct or aggregate assessment has been fixed.

Occupants' Rights.

Section 65, B. R. C.

Uses to which occupant of land for purposes of agriculture may put his land.

68. An occupant of land appropriated for purposes of agriculture is entitled, by himself, his servants, tenants, agents or other legal representatives, to erect farm-buildings, construct wells, or tanks or make any other improvements thereon for the better cultivation of the land, or its more convenient occupation for the purposes aforesaid.

Procedure, if the occupant wishes to apply his land to any other purpose.

But if any occupant wishes to appropriate his holding or any part thereof to any other purpose, the Deputy Commissioner's permission shall, in the first place, be applied for by the registered occupant. The Deputy Commissioner, on receipt of such application, shall at once furnish the applicant with a written acknowledgment of its receipt, and after inquiry, either grant or refuse the same; but if the applicant receive no answer within three months from the date of the said acknowledgment, the Deputy Commissioner's permission may be deemed to have been granted. Unless the Deputy Commissioner shall, in particular instances, otherwise direct, no such application shall be recognized except it be made by the registered occupant.

Fine to be levied for such appropriation in addition to special assessment.

When any such land is thus appropriated to any purpose unconnected with agriculture, it shall be lawful for the Deputy Commissioner, subject to the general orders of Government, to require the payment of a fine in addition to any new assessment which may be leviable under the provisions of Section 53.

Section 66, B. R. C.

Penalty for so appropriating land without permission.

69. If any such land be so appropriated without the permission of the Deputy Commissioner being first obtained, or before the expiry of three months from the date of the said acknowledgment, the occupant and any tenant, or other person hold-

ing under or through him, shall be liable to be summarily evicted by the Deputy Commissioner from the land so appropriated, or from the entire field or survey number of which it may form a part, and the registered occupant shall also be liable to pay, in addition to the new assessment which may be leviable under the provisions of Section 53, for the period during which the said land has been so appropriated, such fine as the Deputy Commissioner may, subject to the general orders of the Government, direct.

Co-occupant or tenant responsible to registered occupant in damages.

Any co-occupant or any tenant of any occupant, or any other person holding under or through an occupant who shall, without the registered occupant's consent, appropriate any such land to any such purpose and thereby render the said registered occupant liable to the penalties aforesaid, shall be responsible to the said registered occupant in damages.

Section 67, B. R. C.

Permission may be granted on terms.

70. Nothing in the last two preceding Sections shall prevent the granting of the permission aforesaid in special cases on such terms as may be agreed on between Government and the registered occupant.

Section 68, B. R. C.

Occupants' rights are conditional.

71. An occupant is entitled to the use and occupation of his land for the period, if any, to which his occupancy is limited, or, if the period is unlimited or a survey settlement has been extended to the land in perpetuity, conditionally on the payment of the amounts due on account of the land revenue for the same according to the provisions of this Regulation or of any rules made under this Regulation or of any other law for the time being in force, and on the fulfilment of any other terms lawfully annexed to his occupancy.

Section 70, B. R. C.

Decrees or orders of competent courts to be given effect to.

72. If, by a decree or order of a competent court, it shall be adjudged that the registered occupant of any land is an inferior holder under another person, or that the occupancy is vested in another person, or if in the execution of such a decree or order the interest of the occupant in the land have been transferred by sale or otherwise to another person, such other person shall, on producing a certified copy of the decree or order, or the court's certificate of the sale, or other transfer, be deemed to be the occupant and be dealt with accordingly, and on written application being made to the Deputy Commissioner for the purpose, such change shall be made in the entry of the registered occupant's name as the circumstances require.

Section 71, B. R. C.

Name of heir to be registered when registered occupant dies.

73. On the death of a registered occupant, the Deputy Commissioner shall cause the name of his eldest son or other person appearing to be his heir or the principal of his heirs, to be registered in his

stead, and the said heir shall thereafter be deemed the registered occupant, and, subject to the provisions of the last preceding Section, shall be dealt with accordingly.

When entry to be amended.

74. If at any time any person shall, by production of a certificate of heirship, or of a decree or order of a competent court, satisfy the Deputy Commissioner that he is entitled o be the registered occupant in preference to the person whose name the Deputy Commissioner has ordered to be registered under Section 73, the Deputy Commissioner shall cause the entry in the Government records to be amended accordingly.

Section 72, B. R. C.

Intestate occupancy or holding to be sold.

75. If an occupant dies intestate and without known heirs, the Deputy Commissioner shall dispose of his occupancy by sale, subject to the provisions of this Regulation, or of any other law at the time in force for the sale of forfeited occupancies, in realization of the land revenue, and the law at the time in force concerning property left by a person dying intestate and without known heirs shall not be deemed to apply to the said occupancy, but only to the proceeds of such sale after deducting all arrears of land revenue due by the deceased to Government and all expenses of the sale.

Section 73, B. R. C.

Right of occupancy to be transferable and heritable.

76. The right of occupancy shall be deemed an heritable and transferable property subject to the provisions contained in Section 59, or otherwise prescribed by law, and shall immediately pass to the person whose agreement to become an occupant shall have been accepted by the Deputy Commissioner.

Relinquishment of Occupancy.

Section 74, B. R. C.

Occupant may relinquish his occupancy.

77. An occupant may, by giving written notice to the Amildar or Deputy Amildar, relinquish his occupancy, either absolutely or in favor of a specified person: Provided that such relinquishment apply to the entire occupancy or to whole survey numbers, or recognized shares of survey numbers. An absolute relinquishment shall be deemed to have effect from the close of the current year, and notice thereof must be given before the 31st March in such year, or before such other date as may be, from time to time, prescribed in this behalf for each District by the Government. A relinquishment in favor of a specified person may be made at any time.

When there are more occupants than one, the notice of relinquishment must be given by the registered occupant; and the person, if any, in whose favor an occupancy is relinquished, or, if such occupancy is relinquished in favor of more persons than one, the principal of such persons, must enter into a written agreement to become the registered occupant, and his name shall thereupon be substituted in the records for that of the previous registered occupant.

o

Section 75, B. R. C.

Relinquishment of lands paying a lump assessment.

78. When a lump assessment is fixed upon several fields or survey numbers in the aggregate, it shall not be lawful for the occupant to relinquish as aforesaid any one or more of such fields or survey numbers except with the previous consent of the Deputy Commissioner. It shall be competent to the Deputy Commissioner to grant or refuse his consent; if he grants it, the occupancy shall be divided, and the Deputy Commissioner shall determine the proportional amount of land revenue to be paid by each portion of it, and the original occupant and the person, if any, in whose favor he relinquishes a portion of his occupancy, shall be held liable for the revenue severally assessed on their portions.

Section 76, B. R. C.

Relinquishment of land described in para 1 of Section 54.

79. The provisions of the last two Sections shall apply, as far as may be, to the holders of alienated land: Provided that,

(*a*) it shall not be lawful to relinquish as aforesaid any portion of any land held wholly or partially exempt under the circumstances described in the first paragraph of Section 54 until the commuted assessment, payable in respect of such portion of land, has been determined under the provisions of the said Section; and that,

Relinquishment of land described in Section 54.

(*b*) if any person relinquish land on which, under the circumstances described in Section 54, a larger revenue is levied than would ordinarily be leviable on such land, he shall be deemed to have relinquished also the land held with it which is wholly or partially exempt from payment of revenue.

Section 77, B. R. C.

Right of way to relinquished land.

80. If any person relinquishes land, the way to which lies through other land which he retains, the right of way through the land so retained shall continue to the future holder of the land relinquished.

Section 78, B. R. C.

Saving of operation of Sections 78 and 79 in certain cases.

81. Nothing in Sections 78 and 79 shall affect,

(*a*) the responsibility of any share in a village for the land revenue of which the sharers are all, according to law or the custom of the village, jointly responsible, or

(*b*) the validity of the terms or conditions of any lease or other express instrument under which land is, or may hereafter be, held from Government.

Section 79, B. R. C.

Occupant or holder to continue liable for all demands until the occupancy or holding is duly relinquished or transferred.

82. The registered occupant or the holder of alienated land shall continue liable for the land revenue due on the occupancy or alienated holding and for all other lawful demands of Government in respect of the same, until such time as the occupancy or alienated holding is relin-

quished or transferred, under any of the provisions of this Regulation, to the name of any other person; and the Deputy Commissioner shall not be bound in any case to recognize any person to whom any interest in any portion of an occupancy or alienated holding has been assigned, unless the transfer has been recorded in the revenue records in accordance with the foregoing provisions.

Remedies against forfeiture of occupancies.

Section 80, B. R. C.

To prevent forfeiture of occupancy, certain persons other than the registered occupant may pay the land revenue.

83. In order to prevent the forfeiture of an occupancy under the provisions of Section 59, or of any other law for the time being in force, through non-payment by the registered occupant of the land revenue due on account thereof, it shall be lawful for any co-occupant, tenant, mortgagee or other person interested in the continuance of the occupancy, to pay, on behalf of such registered occupant, all sums due on account of land revenue, and for the Deputy Commissioner to receive the same. And in any such case, the Deputy Commissioner may give to the person who has paid the land revenue as aforesaid such aid for the recovery of the proportional amounts which he may consider to be properly payable by other persons in occupation of parts of a field or survey number, as he might legally have given had the persons so paying been the registered occupants:

Deputy Commissioner may assist such persons in recovering the revenue from other parties liable therefor.

Provided that nothing authorized or done under the provisions of this Section shall affect the rights of the parties interested as the same may be established in any suit between such parties in a Court of competent jurisdiction.

Section 81, B. R. C.

Deputy Commissioner may in certain cases make co-occupant or other person the registered occupant instead of selling occupancy for realization of land revenue.

84. If it shall appear to the Deputy Commissioner that a registered occupant has failed to pay land revenue and has thus incurred forfeiture with a view to injure or defraud his co-occupants, or other persons interested in the continuance of the occupancy, or that a sale of the occupancy will operate unfairly to the prejudice of such co-occupants, or other persons, it shall be lawful for him, instead of selling the occupancy, to forfeit only the said registered occupants' interest in the same and to substitute the name of any such co-occupant or other person as registered occupant thereof in the revenue records, on his payment of all sums due on account of land revenue for the occupancy; and such person so becoming the registered occupant shall have the rights and remedies with respect to all other persons in occupation provided for by Section 104.

CHAPTER VII.

OF SUPERIOR AND INFERIOR HOLDERS.

Tenant's Rights.

"Kandayam Tenant" defined.

85. A tenant holding alienated land, whether situated in an alienated village or not, and paying to the superior holder of such land whether by way of rent or land revenue, a rent in money assessed at rates obtaining at the time when such land was alienated by Government, or at rates subsequently fixed in accordance with the established rates of land revenue assessment for the village, or at rates fixed by competent Revenue authority, or by a Survey settlement, shall have a right to continue to hold such land at the rent hitherto paid for it, or, when such rent is altered in accordance with this Regulation, at the rent so altered.

Such a tenant shall be called a "Kandayam tenant".

The payment of rent by the person or persons from whom a "Kandayam tenant" derives his title, shall be the payment of rent by such tenant within the meaning of this Section.

Kandayam tenant to have all rights conferred upon occupant of unalienated land.

A "Kandayam tenant" shall have all rights which are conferred by this Regulation upon an occupant of unalienated land.

"Occupancy tenant" defined.

86. A tenant holding, otherwise than under a written lease for a fixed term, alienated land, whether situated in an alienated village or not, and paying to the superior holder of such land a rent not assessed at rates described in Section 85, shall, if he has actually occupied or cultivated such land continuously for 12 years, have a right of occupancy in the land so occupied or cultivated by him.

Such a tenant shall be called an "Occupancy tenant."

The occupation or cultivating of the father or other person from whom the occupancy tenant inherits shall be deemed to be the occupation or cultivating of such tenant within the meaning of this Section.

Provided as follows :—

(*a*) That when a tenant actually occupies or cultivates land under a written lease for a fixed term without having a right of occupancy in such land, the period of 12 years necessary for acquiring a right of occupancy therein by him or any one claiming under him shall begin on the expiry of the term of such lease. If, during the currency of such lease, he ceases to occupy the land comprised therein, and sub-lets it to another, no right of occupancy in such land shall be acquired by the sub-lessee during the currency of the lease.

517

(b) That the right of occupancy referred to in this Section shall be acquired, whether the rent is paid in money or in kind.

Right of kandayam tenant heritable and transferable.

Right of occupancy tenant not transferable.

87. The right of a "Kandayam tenant" shall be deemed to be an heritable and transferable property; but the right to hold as an "Occupancy tenant" shall not be transferable by gift, sale, grant, will or otherwise, except as between persons who have become by inheritance co-sharers in such right. When any person entitled to the right to hold as an "Occupancy tenant" dies, the right shall devolve as if it were land.

Superior holder may arrange his own terms of rent for alienated waste lands.

88. In the case of alienated lands which are either immemorial waste lands or lands left unoccupied through voluntary relinquishment, it shall be lawful for the superior holder, by means of a written agreement, to arrange his own terms of rent with the applicants for such lands: Provided that nothing in this Section shall affect any special rights which, by law or usage having the force of law, are held by any individual or class of individuals in such waste or unoccupied lands.

Extent to which rent payable by a kandayam tenant may be enhanced.

89. The rent payable by a "Kandayam tenant" shall not be liable to enhancement, except

(a) to the extent of the proper full assessment as fixed and recorded at a survey under Sections 117, 128 and 244;

(b) to the extent necessary for reimbursing the superior holder, for any cesses assessable on lands which Government may newly impose upon him;

(c) to the extent of the additional value imparted to the holding by any work of irrigation or other improvement executed at the expense of the superior holder, or to the extent of any additional tax which he has been required to pay to Government, by reason of the additional value imparted to the holding, whether by the use of Government water, or by any work of irrigation or other improvement executed at the expense of Government:

Proviso.

Provided that the enhancement of rent due to additional value imparted to a holding under this Section shall be fixed in accordance with the established local usage of the village, or, where there is no such local usage, in accordance with rates of assessment prevailing in neighbouring villages, as regards lands, alienated or unalienated, of similar quality with similar advantages; and

(d) to the extent of the increased area of the holding due to alluvion, but subject to the conditions specified in Sections 51, and 67.

518

Grounds on which rent payable by an occupancy tenant may be enhanced.

90. The rent payable by an "Occupancy tenant" shall be liable to enhancement on any of the following grounds and on no others:—

(a) that the rate of rent paid by such tenant is below the prevailing rate payable by the same class of tenants for land of similar quality with similar advantages;

(b) that the value of the produce has, or the productive powers of the land have, been increased otherwise than by the agency or at the expense of the tenant;

(c) that the quantity of land held by the tenant has been increased by alluvion or otherwise, or that it has been proved by measurement to be greater than the quantity for which rent has been previously paid by him.

Grounds for abatement of rent payable by a kandayam or occupancy tenant.

91. The rent payable by a "Kandayam" or "Occupancy" tenant is liable to abatement on the ground that the area of the land held by him has been diminished by diluvion or otherwise, by any cause beyond his control.

Application for enhancement or abatement of rent to be made to Deputy Commissioner.

92. Every application for enhancement or abatement of rent upon any of the grounds specified in Sections 89, 90 and 91 shall be made to the Deputy Commissioner within whose District the land on account of which such rent is payable is situated, and such Deputy Commissioner shall dispose of every such application after holding a formal inquiry.

Nothing in Sections 85 to 92 to bar the enhancement or abatement of rent by written agreement of land-lord & tenant.

93. Nothing contained in Sections 85 to 92 (both inclusive) shall be held to bar the enhancement or abatement of rent by agreement in writing of tenant and land-lord duly registered in accordance with the provisions of any law for the time being in force relating to the registration of assurances, or to debar the Civil Courts from taking cognizance of suits based upon such agreements.

Operation of decision for enhancement or abatement of rent from what date to commence.

94. Every decision for enhancement or abatement of rent passed by the Deputy Commissioner under Section 92 shall, except when such decision otherwise expressly directs, take effect from the commencement of the Revenue year next following the date of the filing of the suit.

Section 84, B. R. C.

Annual tenancy terminates on 31st March.

95. An annual tenancy shall, in the absence of proof to the contrary, be presumed to run from the end of one cultivating season to the end of the next. The cultivating season may be presumed to end on the 31st March.

519

Three months' notice to be given by land-lord and tenant for termination of tenancy.

An annual tenancy shall require for its termination a notice given in writing by the land-lord to the tenant or by the tenant to the land-lord at least three months before the end of the year of tenancy, at the end of which it is intimated that the tenancy is to cease. Such notice may be in the form of Schedule F or to the like effect.

Land-lord to furnish tenant with written lease.

96. Every tenant is entitled to receive from his land-lord a written lease containing the following particulars :—

(*a*) the quantity and description of land held by him, and, where the fields have been numbered in the records of a Government Survey or other public record, the number of each field ;

(*b*) the amount of annual rent payable for such land ;

(*c*) the instalments in which, and the dates on which, such rent is to be paid ;

(*d*) any special conditions of the lease ; and

(*e*) if the rent is payable in kind, the quantity or the share of produce to be delivered, and the time, manner and place of delivery.

Terms of kandayam and occupancy tenants' leases.

97. "Kandayam" and "Occupancy" tenants are entitled to receive leases at the rates hitherto paid by them or determined in accordance with the provisions of Section 92.

Terms of leases for other tenants.

98. All other tenants are entitled to leases on such terms as may be agreed upon between them and their land-lords.

Land-lord entitled to written engagement from tenant.

99. Every land-lord who grants a lease is entitled to receive a written reciprocal engagement from the tenant, executed by the tenant and in conformity with the terms of the lease. The tender to any tenant of a lease such as he is entitled to receive, shall entitle the land-lord to receive a reciprocal engagement from such tenant.

On refusal of superior holder, tenant to apply to Deputy Commissioner for lease.

100. When any superior holder of alienated land shall, for three months after demand, have refused to grant such lease as his tenant was entitled to receive, it shall be lawful for the latter to apply to the Deputy Commissioner who shall, after a formal enquiry, decide the terms of the lease to which the applicant is entitled and direct the superior holder to grant him such lease.

101. When any tenant holding alienated land shall, for one month after demand, have refused to accept such a lease as the superior holder of such land was entitled to grant, or to execute a reciprocal engagement under Section 99, the superior holder may apply to the Deputy Commissioner, who shall thereupon hold a formal inquiry to determine whether the lease offered is a proper one. If he shall be of opinion that it is a proper one, he shall direct the tenant to accept the lease and to execute a reciprocal engagement in accordance with it. If the Deputy Commissioner shall be of opinion that the lease offered is not a proper one, he shall decide what lease ought to be offered, and shall direct the tenant to accept such lease and to execute a reciprocal engagement in accordance therewith. If, within ten days after the date of the Deputy Commissioner's decision, the tenant shall not have accepted the lease, as approved or amended by the Deputy Commissioner in manner aforesaid, and shall not have executed a reciprocal engagement in accordance with the terms of such lease, the Deputy Commissioner may, on the application of the superior holder and after serving a notice on the tenant, pass an order for ejecting the tenant.

On refusal of tenant to accept lease or to execute reciprocal engagement, superior holder to apply to Deputy Commissioner.

Ejectment of tenant on refusal to obey Deputy Commissioner.

102. In the determination of disputes regarding the amount or rates of rent for the purpose of the inquiries directed in Sections 100 and 101, the Deputy Commissioner shall be bound by the rules contained in Sections 85 to 93.

Deputy Commissioner bound by Sections 85 to 93 in inquiries under Sections 100 and 101.

103.—(1). When the superior holder required by a decision under Section 100 to grant a lease refuses or delays to grant the same, the Deputy Commissioner may grant a lease under his own hand and seal in conformity with the terms of the decision, and such lease shall be of the same force and effect as if granted by such superior holder.

Procedure on refusal of superior holder to grant lease as directed.

(2). When the tenant required by a decision under Section 101 to execute a reciprocal engagement, has refused or failed to execute the same, the decision shall be evidence of the amount of rent claimable from such tenant, and shall have the same force and effect as a reciprocal engagement executed by him.

Deputy Commissioner's decision to be evidence of amount of rent claimable from tenant.

Recovery of Superior Holders' dues.

Section 86, B. R. C.

104. Superior holders (other than occupants of unalienated lands in villages the settlement of which has not been completed under Bombay Act I of 1865 or under Chapter VIII of this Regulation) shall, upon written application to the Deputy Com-

Superior holder entitled to assistance in recovering rent.

missioner, be entitled to assistance by the use of precautionary and other measures for the recovery of rent or land revenue payable to them by inferior holders or by co-sharers in their holdings under the same rules except that contained in Section 152, and in the same manner as prescribed in Chapter XI of this Regulation for the realization of land revenue by the Government :

Provided that such application be made within the revenue year or within the year of tenancy in which the said rent became payable. And provided further that, when such application is for the recovery of rent or land revenue from an inferior holder, it is based upon a written agreement duly executed by such inferior holder and produced with the application.

Section 87, B. R. C.

Deputy Commissioner how to proceed on such application.

105. On application being made under Section 104 to the Deputy Commissioner, he shall cause a written notice thereof to be served on the inferior holder or co-sharer fixing a day for inquiry into the case. On the day so fixed, he shall hold a summary inquiry, and shall pass an order for rendering assistance to the superior holder for the recovery of such amount, if any, of rent or land revenue as appears to him upon the evidence before him to be lawfully due.

Assistance may be refused or granted to a limited extent only.

But if it appears to the Deputy Commissioner that the question at issue between the parties is of a complicated or difficult nature, he may in his discretion either refuse the assistance asked for, or, if the land to which the dispute relates has been assessed under the provisions of Chapter VIII of this Regulation or at any survey settlement confirmed by Section 129, grant assistance to the extent only of the assessment so fixed upon the said land.

Civil suit not to be barred.

Nothing in this Section shall prevent the superior holder from having recourse to the civil courts to recover from the inferior holder such amount as he may deem to be still due to him.

Grant of Special Powers to Holders of alienated lands.

Section 88, B. R. C.

The Government may by commissions confer certain powers on holders of alienated lands.

106. It shall be lawful for the Government at any time to issue a commission to any holder of alienated lands, conferring upon him all or any of the following powers in respect of the land specified in such commission : namely :—

(*a*) to demand security for the payment of the land revenue or rent due to him, and, if the same be not furnished, to take such precautions as the Deputy Commissioner is authorized to take, under Sections 156 to 158 ;

(*b*) to attach the property of persons making default in the payment of such land revenue or rent as aforesaid ;

(c) to fix from time to time the times at which, and the instalments in which, the land revenue or rent due to him shall be payable;

(d) to exercise the powers of a Deputy Commissioner under Sections 68 and 69;

(e) to receive notices of relinquishment under Section 77 and to determine the date up to which such notices shall be received as in that Section provided;

(f) to take measures for the maintenance and repair of boundary marks in the manner provided for Survey officers in Section 138.

Provided that the powers contemplated in Clauses (c) to (f) both inclusive shall be conferred only on holders of lands to which a Survey settlement has been extended under the provisions of Section 244.

Section 89, B. R. C.

Terms of such commission.

107. Every such commission shall be in the form of Schedule **G**, and shall be liable to be withdrawn at the pleasure of Government; and a commission may, if the Government see fit, be issued to one or more agents of a holder of alienated lands as well as to the holder in person.

Section 90, B. R. C.

Reference must be made by holder of commission to Deputy Commissioner in certain cases.

108. If the holder of any such commission attach a defaulter's property, he shall make an immediate report to the Deputy Commissioner of his having done so. Should the demand, on account of which the attachment has been made, appear to the Deputy Commissioner, after such enquiry as he may deem fit to make, to be just, he shall give orders for the sale of the property, and the sale shall be conducted agreeably to the provisions of Sections 180 to 201 by the Deputy Commissioner or his subordinates.

Section 91, B. R. C.

When compulsory process shall cease.

109. All compulsory processes shall cease

on the defaulter's paying or tendering the amount demanded of him under protest;

or on his furnishing either to the holder of the commission or his agent or agents, or to the Deputy Commissioner, satisfactory security in the form of Schedule **E** or to similar effect.

And any holder of any such commission as aforesaid, by himself or his agents, proceeding with any compulsory process after payment made, or tendered as aforesaid, or after tender thereof, shall be liable, on conviction in a summary inquiry before the Deputy Commissioner, to a penalty not exceeding three times the amount of the revenue sought to be recovered by such compulsory process.

Section 92, B. R. C.

Power under commission to extend to current and previous years' arrears.

110. The power conferred by any such commission shall extend to the enforcement of the payment of the revenue or rent of the current year and of the year next immediately preceding, but not to that of former years.

Section 93, B. R. C.

Holder of commission not to enforce any unusual or excessive demand.

111. The holder of any such commission shall not enforce a demand for revenue or rent in excess of what any inferior holder has paid previously to the date of such demand, or of what he may have contracted to pay by an instrument in writing (duly registered in accordance with the law for the time being in force relating to the registration of assurances), or of what may have been decided by the Deputy Commissioner as the proper amount of rent in an inquiry under Sections 92, 100 or 101.

Penalty for so doing.

The person against whom any demand shall have been enforced in excess of the amount of which payment is lawfully enforceable, shall be entitled to recover, on conviction of the holder of the commission in a summary inquiry before the Deputy Commissioner, three times the amount of any such excessive demand by way of damages, and the sum so due by the holder of the commission shall be leviable from him as an arrear of land revenue.

CHAPTER VIII.

OF SURVEY SETTLEMENTS AND THE PARTITION OF ESTATES.

Section 95, B. R. C.

Revenue survey may be introduced by Government into any part of the Territories of Mysore.

112. It shall be lawful for the Government, whenever it may seem expedient, to direct the survey of any land in any part of the Territories of Mysore, with a view to the settlement of the land revenue, and to the record and preservation of rights connected therewith, or for any other similar purpose, and such survey shall be called a Revenue survey. Such survey may extend to the lands of any village, town or city generally, or to such land only as the Government may direct; and, subject to the orders of the Government, it shall be lawful for the officers conducting any such survey to except from the Survey settlement any land to which it may not seem expedient that such settlement should be applied.

Control of Revenue survey.

The control of every such Revenue survey shall vest in, and be exercised by, the Government.

Section 96, B. R. C.

Survey officer may require by general notice or by summons, suitable service from holders of land, &c.

113. It shall be lawful for the Survey officer deputed to conduct or take part in any such survey, to require, by general notice, or by summons, the attendance of holders of lands and of all persons interested therein, in person, or by legally constituted agent

duly instructed and able to answer all material questions, and the presence of Taluk and Village officers, who, in their several stations and capacities, are legally, or by usage, bound to perform service in virtue of their respective offices, and to require from them such assistance in the operations of the survey and such service in connection therewith, as may not be inconsistent with the position of the individual so called on.

Section 97, B. R. C.

Assistance to be given by holders and others in the measurement or classification of lands.

114. It shall be lawful for the Survey Officer to call upon all holders of land and other persons interested therein, to assist in the measurement or classification of the lands to which the survey extends, by furnishing flag-holders: and in the event of a necessity for employing hired labor for this or other similar object, incidental to survey operations, it shall be lawful to assess the cost thereof, with all contingent expenses, on the lands surveyed, for collection as a revenue demand.

Section 98, B. R. C.

Survey numbers not to be less than a certain extent.

115. Except as hereinafter provided, no survey number comprising land used for purposes of agriculture only, shall be made of less extent than a minimum to be fixed from time to time for the several classes of land in each District by the Government. A record of the minima so fixed shall be kept in the Amildar's Office in each Taluk, and shall be open to the inspection of the public at all reasonable times.

Exception.

These provisions shall not apply to survey numbers which have already been made of less extent than the minima so fixed, or which may be so made under the authority of the Government given either generally, or in any particular instance, in this behalf: and any survey number separately recognized in the Survey records shall be deemed to have been authorizedly made, whatever be its extent.

Section 99, B. R. C.

Recognized shares of survey numbers.

116. Recognized shares of survey numbers shall be subject to the same provisions of this Regulation as are applicable to entire survey numbers, except

(*a*) that it shall not be obligatory to demarcate such shares separately; and

(*b*) that if any such share is relinquished by the occupant absolutely under the provisions of Section 77, the occupancy thereof shall be offered to the occupants of the other shares of the same survey number in order of the relative largeness of the amounts payable by them respectively on account of the assessment of their said shares; and that in the event of their all refusing the occupancy of the said share, the assessment thereon shall, until such time as the entire number is relinquished by them, be levied from them in proportion to the amounts of assessment payable by them as aforesaid.

Section 100, B. R. C.

Officer in charge of a survey to fix assessments.

117. Subject to rules or orders made in this behalf under Section 241, the officer in charge of a survey shall have authority to fix the assessment for land revenue at his discretion on all lands within the local operation of an order made under Section 112 not wholly exempt from land revenue, and the amounts due according to such assessment shall, subject to the provisions of Section 119, be levied on all such lands.

Regard to be had to Proviso to Section 55.

In fixing such assessment, regard shall be had to the requirements of the Proviso to Section 55.

Proviso.

But nothing in this Section shall be deemed to prevent the Survey officer aforesaid from determining and registering the proper full assessment on lands wholly exempt from payment of land revenue, or on all lands especially excepted under Section 112 from the survey settlement, or from dividing all such land to which the survey extends into survey numbers.

Section 101, B. R. C.

The assessment so made may be on land, or on means of irrigation, &c.

118. The power to assess under the preceding Section shall, in the case of lands used for purposes of agriculture alone, include power to assess, whether directly on the land, or in the form of a rate or cess upon the means of irrigation in respect of which no rate is levied under Section 58, or in any other manner whatsoever that may be sanctioned by Government.

Section 102, B. R. C.

Assessment so made not leviable without the sanction of Government.

But may be fixed with or without modification by the Government for a term of years.

119. The assessment fixed by the officer in charge of a survey shall not be levied without the sanction of Government. It shall be lawful for the Government to declare such assessments, with any modification which it may deem necessary, fixed for a term of years not exceeding thirty in the case of lands used for the purposes of agriculture alone, and not exceeding ninety-nine in the case of all other lands: Provided that nothing in this Section shall prevent the Government from fixing the assessment on lands cultivated with coffee in perpetuity, subject to such conditions as it may prescribe.

Section 103, B. R. C.

Introduction of survey settlement how to be made.

120. When in the case of lands used for the purposes of agriculture alone, Government shall have sanctioned the assessments fixed by the officer in charge of the survey, it shall be the duty of the said officer, or of the Deputy Commissioner, or Assistant Commissioner, publicly to announce, or to cause to be announced, the assessment fixed on each survey number.

The said officer, or the Deputy Commissioner, or Assistant Commissioner, shall, at a reasonable time beforehand, cause public

notice to be given, in such manner as he shall deem fit, of the time at or about which the assessments will be announced as aforesaid.

If the holder or other person interested in any holding do not appear in person or by agent, he shall be subject, nevertheless, to the same liabilities as if he had attended.

When the assessments have been announced in manner provided in the first clause of this Section, the Survey settlement shall be held to have been introduced.

Section 104, B. R. C.

Excess assessment not to be levied in the year in which a Survey settlement is introduced.

121. In the year in the course of which a Survey settlement, whether original or revised, may be introduced under the last preceding Section, the difference between the old and the new assessment of all lands on which the latter may be in excess of the former shall be remitted, and the revised assessment shall be levied only from the next following year.

Nor in the following year if the number is resigned that year.

In the year next following that in which any revised Survey settlement has been introduced, any occupant who may be dissatisfied with the increased rate imposed by such new assessment on any of the survey numbers held by him, shall, on resigning such number in the manner prescribed by Sections 77 and 79 on or before the 31st March, receive a remission of the increase so imposed.

Section 105, B. R. C.

The fixing of assessment under Section 119 limited to ordinary land revenue.

122. The fixing of the assessment under the provisions of Section 119 shall be strictly limited to the assessment of the ordinary land revenue, and shall not operate as a bar to the levy of any cess which it shall be lawful for the Government to impose under the provisions of any law for the time being in force for purposes of local improvement, such as, the construction, maintenance, and improvement of schools, village and district roads, bridges, tanks, wells, irrigation channels, accommodation for travellers, and the like, or of any rate for the use of water which may be imposed under the provisions of Section 58.

Section 106, B. R. C.

Government may direct a fresh Revenue survey and revision of assessment.

123. It shall be lawful for the Government to direct, at any time, a fresh Revenue survey or any operation subsidiary thereto; but no enhancement of assessment shall take effect till the expiration of the period previously fixed under the provisions of Section 119. A revised assessment shall be fixed, not with reference to improvements made from private capital and resources during the currency of any settlement made under this Regulation, or under Bombay Act I of 1865, but with reference to general considerations of the value of land, whether as to soil or situation, prices of produce, or facilities of communication.

But improvements made from private capital and resources not to be assessed.

S27

Section 107, B. R. C.

Certain improvements may be considered in fixing revised assessment.

124. Nothing in the last preceding Section shall be held to prevent a revised assessment being fixed :—

(a) with reference to any improvement effected at the cost of Government ; or

(b) with reference to the value of any natural advantage, when the improvement effected from private capital and resources consists only in having created the means of utilizing such advantage ; or

(c) with reference to any improvement which is the result only of the ordinary operations of husbandry.

Section 108, B. R. C.

Preparation of statistical and fiscal records.

125. It shall be the duty of the Survey officer, on the occasion of making or revising a settlement of land revenue, to prepare a register, to be called "The Settlement Register," showing the area and assessment of each survey number, together with the name of the registered occupant of such survey number, and other records, in accordance with such orders as may, from time to time, be made on this behalf by Government.

Section 109, B. R. C.

Survey officer or Deputy Commissioner or Assistant Commissioner to correct clerical and admitted errors in the settlement register.

126. The Survey officer, or, if the Survey settlement have been introduced, under the provisions of Section 120, by the Deputy Commissioner or Assistant Commissioner, the Deputy Commissioner or Assistant Commissioner shall at any time correct, or cause to be corrected, any clerical errors and any errors which the parties interested admit to have been made in the settlement register.

And enquire into and pass orders on certain applications for mutation of names.

The Superintendent of Survey or the Deputy Commissioner shall receive and enquire into all applications made to him at any time within two years after the introduction of the Survey settlement for the correction of any wrong entry of a registered occupant's name in the said register, and, if satisfied that an error has been made, whether through fraud, collusion, oversight, or otherwise, shall correct, or cause the same to be corrected, notwithstanding that all the parties interested do not admit the error ; but he shall not receive any such application at any time after two years from the date of the introduction of the Survey settlement, unless good cause be shown to his satisfaction for the delay in making such application, and no such correction of the said register shall be made in consequence of any application made after the said period of two years, except with the previous sanction of Government.

Section 110, B. R. C.

Deputy Commissioner to keep the Survey records and frame village records and accounts in accordance therewith.

127. The Deputy Commissioner shall keep the settlement register, and such other records, prepared by the Survey officer, as Government shall direct, and shall cause the village records and accounts to be prepared in accordance therewith.

He shall not make any alterations or corrections in the settlement register, but shall cause to be registered in the village records and accounts all changes that may take place, and anything that may affect any of the rights or interests therein recorded.

And to register changes, &c.

Section 111, B. R. C.

128. In the event of any alienated village or estate, coming under the temporary management of Government officers, it shall be lawful for the Deputy Commissioner to let out the lands thereof, at rates determined by means of a Survey settlement or at such other fixed rates, as he may deem to be reasonable, and to sell the occupancy of unoccupied lands by auction, and otherwise to conduct the revenue management thereof under the rules for the management of unalienated lands, so far as such rules may be applicable, and for so long as the said village or estate shall be under the management of Government officers: Provided, however, that any written agreements relating to the land, made by the superior holder of such village or estate, shall not be affected by any proceedings under this Section in so far as they shall not operate to the detriment of the lawful claims of Government on the land.

Revenue management of villages or estates not belonging to Government that may be temporarily under Government management.

Section 112, B. R. C.

129. Existing Survey settlements of land revenue made, approved, and confirmed under the authority of the Government, shall be, and are hereby, declared to be in force, subject to the provisions of this Regulation.

Maintenance of existing settlements of land revenue.

Partition.

Section 113, B. R. C.

130. The following rules shall be enforced at the partition of any estate paying land revenue to Government; (namely):—

Rules for partition of an estate paying revenue to Government.

(1). The estate shall be divided as far as possible according to survey numbers without sub-dividing any number; but if the partition cannot be completely effected without sub-dividing a number, such sub-division may be made by the Deputy Commissioner, subject to the provisions of Section 115;

(2). any number or sub-division of a number, which may remain over after the partition has been carried out, as far as possible, according to the last rule, and which is incapable of sub-division or of further sub-division owing to the provisions of Section 115, shall be made over to one of the sharers in consideration of his paying to the other sharers the value in money of their shares in the same, or shall be sold and the proceeds divided amongst all the sharers, or otherwise disposed of, as the Deputy Commissioner thinks fit;

(3). the expenses necessarily and properly incurred in making such partition shall be recoverable as a revenue demand in such

529

proportions as the Deputy Commissioner thinks fit from the sharers at whose request it is made, or from the persons interested in such partition.

Section 114, B. R. C.

Partition of alienated village by the Deputy Commissioner on application by co-sharers.

131. Whenever any one or more co-sharers in an alienated village into which a Revenue survey has been introduced, consent to a partition of the said estate, it shall be lawful for the Deputy Commissioner, or for any other officer duly empowered by him in this behalf, subject to the rules contained in the last preceding Section, to divide the said village into shares according to the respective rights of the co-sharers, and to allot such shares to the co-sharers:

Provided that no such partition shall be made, unless

(*a*) all the co-sharers are agreed as to the extent of their respective rights in the village, and

(*b*) the assessment of the share or shares of the sharer or sharers consenting to such partition exceeds one half of the assessment of the entire estate.

In such cases the expenses of partition shall be recovered under Rule (3) of the last preceding Section from all the co-sharers in the estate divided.

Section 115, B. R. C.

Sub-division of numbers at time of revision of survey.

132. At the time of a revision of survey, it shall be in the discretion of the officer in charge of the survey, subject to the provisions of Section 115, and to any departmental rules or orders in this behalf at the time in force, to sub-divide any survey number into two or more distinct numbers, and to enter the names and liabilities of the persons, whom he shall deem entitled to be recognized as registered occupants of such sub-divisions, in the settlement register separately.

Section 116, B. R. C.

Separate demarcation of land appropriated under Section 68 or 70.

133. When any portion of cultivable land is appropriated under the provisions of Section 68 or 70 for any non-agricultural purpose, the portion so appropriated may, with the sanction of the Deputy Commissioner, be demarcated, and made into a separate number at any time notwithstanding the provisions of Section 115.

CHAPTER IX.

THE SETTLEMENT OF BOUNDARIES AND THE CONSTRUCTION AND MAINTENANCE OF BOUNDARY MARKS.

Section 118, B. R. C.

Determination of village boundaries.

134. The boundaries of villages situated in the Territories of Mysore shall be fixed, and all disputes relating thereto shall be determined, by Survey officers or by such other officers

as may be nominated by Government for the purpose, who shall be guided by the following rules:—

Village boundaries may be settled by agreement.

Rule I.—When the Patels and other Village officers of any two or more adjoining villages, and, in the case of an alienated village, the holder thereof, or his duly constituted agent, shall voluntarily agree to any given line of boundary as the boundary common to their respective villages, the officer determining the boundary shall require the said parties to execute an agreement to that effect, and shall then mark off the boundary in the manner agreed upon. And any village boundary fixed in this manner shall be held to be finally settled, unless it shall appear to the said officer that the agreement has been obtained by fraud, intimidation, or any other illegal means.

Procedure in case of disagreement or dispute.

Rule 2.—If the Patels and other Village officers, and, in the case of an alienated village, the holder thereof, or his duly constituted agent, do not agree to fix the boundaries of their respective villages, in the manner prescribed in the preceding Rule, or if it shall appear to the said officer that the agreement has been obtained by fraud, intimidation, or any other illegal means, or if there be any pending dispute, the said officer shall make a survey and plan of the ground in dispute, exhibiting the land claimed by the contending parties, and all particulars relating thereto, and shall hold a formal enquiry into the claims of the said parties, and thereafter make an award in the case. If either of the villages concerned be alienated, an award made by a Survey officer shall, unless the officer making it be the Superintendent of Survey, be subject to his confirmation.

Section 119, B. R. C.

Determination of field boun a-ries.

135. If, at the time of survey, the boundary of a field or holding be undisputed, and its correctness be affirmed by the Village officers then present, it may be laid down as pointed out by the holder or person in occupation, and if disputed, or if the said holder or person in occupation be not present, it shall be fixed by the Survey officer according to the village records, and according to occupation as ascertained from the Village officers and the holders of adjoining lands, or on such other evidence or information as the Survey officer may be able to procure.

If any dispute arise concerning the boundary of a field or holding which has not been surveyed, or, if at any time after the survey records have been handed over to the Deputy Commissioner, a dispute arise concerning the boundary of any survey number, it shall be determined by the Deputy Commissioner, who shall be guided, in the case of survey numbers, by the survey records, if they afford satisfactory evidence of the boundary previously fixed, and, if not, by such other evidence as he may be able to procure.

Section 120, B. R. C.

Settlement of boundary dispute by arbitration.

136. If the several parties concerned in a boundary dispute agree to submit the settlement thereof to an arbitration committee, and make application to that effect in writing, the officer whose duty it would otherwise be to determine the boundary shall require the said parties to nominate a committee of not less than three persons, within a specified time, and if, within a period to be fixed by the said officer, the committee so nominated or a majority of the members thereof arrive at a decision, such decision, when confirmed by the said officer, or, if the said officer be a Survey officer lower in rank than a Superintendent of Survey, by the Superintendent of Survey, shall be final:

When award may be remitted for re-consideration.

Provided that the said officer or the Superintendent of Survey shall have power to remit the award, or any of the matters referred to arbitration, to the re-consideration of the same committee for any of the causes set forth in Section 520 of the Code of Civil Procedure.

If arbitration fail, survey officer to settle the dispute.

If the committee appointed in the manner aforesaid fail to effect a settlement of the dispute within the time specified, it shall be the duty of the officer aforesaid, unless he, or, if the said officer is a Survey officer lower in rank than a Superintendent of Survey, the Superintendent of Survey, see fit to extend the time, to settle the same as otherwise provided in this Regulation.

Section 121, B. R. C.

Effect of the settlement of a boundary.

137. The settlement of a boundary under any of the foregoing provisions of this Chapter shall be determinative:

(*a*) of the proper position of the boundary line or boundary marks, and

(*b*) of the rights of the land-holders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings.

Boundary Marks.

Section 122, B. R. C.

Construction and repair of boundary marks of survey numbers and villages.

138. It shall be lawful for any Survey officer authorized by a Superintendent of Survey or Settlement officer, to cause to be constructed or repaired, boundary marks of villages or survey numbers, whether cultivated or uncultivated, and to assess all charges incurred thereby on the holders or others having an interest therein.

Requisition on land-holders to erect or repair boundary marks.

Such officer may require land-holders to construct or repair their boundary marks by a notification, which shall be posted in the *Chavadi* or other public place in the village to which

the lands under survey belong, directing the holders of survey numbers to construct or repair, within a specified time, the boundary marks of their respective survey numbers, and on their failure to comply with the requisition so made, the Survey officer shall then construct or repair them. and assess all charges incurred thereby as hereinbefore provided.

A general notification to be good and sufficient notice of requisition.

A general notification, issued in the manner aforesaid, shall be held to be good and sufficient notice to each and every person having any interest in any survey numbers within the limits of the lands to which the survey extends.

Description of boundary marks.

The size, material, and description of boundary marks shall be such as may, under the orders of Government, be fixed by the Superintendent of Survey, according to the requirements of soil and climate.

Section 123, B. R. C.

Responsibility for the maintenance of boundary marks.

139. Every land-holder shall be responsible for the maintenance and good repair of the boundary marks of his holding, and for any charges reasonably incurred on account of the same by the Revenue officers in cases of alteration, removal, or disrepair. It shall be the duty of Village officers and servants to prevent the destruction or unauthorized alteration of the village boundary marks.

Section 124, B. R. C.

Deputy Commissioner to have charge of boundary marks after introduction of the survey settlement.

140. When the Survey settlement shall have been introduced into a District, the charge of the boundary marks shall devolve on the Deputy Commissioner, and it shall be his duty to take measures for their maintenance and repair, and for this purpose the powers conferred on Survey officers by Section 138 shall vest in him.

Section 125, B. R. C.

Penalty for injuring boundary marks.

141. Any person convicted, after a summary enquiry before the Deputy Commissioner, or before a Survey officer, or Amildar or Deputy Amildar, of wilfully erasing, removing or injuring a boundary mark, shall be liable to a fine not exceeding fifty rupees for each mark so erased, removed or injured.

One half of every fine imposed under this Section may be awarded by the officer imposing it to the informer, if any, and the other half shall be chargeable with the cost of restoring the mark.

CHAPTER X.

OF LANDS WITHIN THE SITES OF VILLAGES, TOWNS AND CITIES.

Fixing of Sites.

Section 126, B. R. C.

Limits of sites of villages, towns and cities how to be fixed.

142. It shall be lawful for the Deputy Commissioner, or for a Survey officer, acting under the general or special orders of Government, to determine what lands are included within the site of any village, town, or city, and to fix, and from time to time to vary, the limits of the same, respect being had to all subsisting rights of land-holders.

Exemption from Land Revenue.

Section 128, B. R. C.

Existing exemption when to be continued in case of certain lands in towns and cities in which Bombay Act IV of 1868 has been in operation.

143. The existing exemption from payment of land revenue of lands other than lands which have hitherto been ordinarily used for purposes of agriculture only, situate within the sites of towns and cities in which an enquiry into titles has been made under the provisions of Bombay Act IV of 1868, shall be continued:

1st.—if such lands are situated in any town or city where there has been in former years a survey, which Government recognize for the purpose of this Section, and are shown in the maps or other records of such survey as being held wholly or partially exempt from the payment of land revenue;

2nd.—if such lands have been held wholly or partially exempt from the payment of land revenue for a period of not less than five years before the application of Bombay Act I of 1865, or IV of 1868 to such town or city;

3rd.—if such lands, for whatever period held, have been held wholly or partially exempt from payment of land revenue under a deed of grant or of confirmation issued by an officer whom Government recognize as having been competent to issue such deed.

Section 129, B. R. C.

Right to exemption to be determined by the Deputy Commissioner.

144. Claims to exemption under the last preceding Section shall be determined by the Deputy Commissioner after a summary enquiry, and his decision shall be final.

Section 130, B. R. C.

Occupancy price payable in addition to assessment in certain cases.

145. In towns and cities to which Section 143 applies, the holders of all lands other than lands which have hitherto been used for purposes of agriculture only, which have been unauthorizedly occupied for a period commencing less than two years before Bombay Act I of 1865 or IV of 1868 was applied to the town or city in which the said

lands are situate, shall be liable to pay the price of the occupancy of the said lands in addition to the land revenue assessed thereupon. The said occupancy price shall be determined according to the provisions of Section 65.

Miscellaneous.

146. Nothing in Section 143 shall be deemed to affect the powers of the Deputy Commissioner to abate encroachments under section 38.

Section 131, B. R. C.

Survey of lands in such sites how to be conducted.

147. If the Government shall at any time deem it expedient to direct a survey of the lands other than those used ordinarily for the purposes of agriculture only within the site of any village, town, or city, under the provisions of Section 112, or a fresh survey thereof under the provisions of Section 123, such survey shall be conducted, and all its operations shall be regulated, according to the provisions of Chapters VIII and IX of this Regulation :

Proviso.

Provided that nothing contained in Sections 113, 114, 118, 120, 121, or 134 thereof shall be considered applicable to any such survey in any town or city containing more than two thousand inhabitants.

Section 132, B. R. C.

In certain cases a survey fee to be charged.

148. When a survey is extended under the provisions of the last preceding Section to the site of any town or city containing more than two thousand inhabitants, each holder of a building-site shall be liable to the payment of a survey fee to be assessed by the Deputy Commissioner under such rules as may be prescribed in this behalf from time to time by Government : provided that the said fee shall in no case exceed rupees five for each survey number. The said survey fee shall be payable within 6 months from the date of a public notice to be given in this behalf by the Deputy Commissioner after the completion of the survey of the site of the town or city, or of such part thereof as the notice shall refer to.

In any town or city in which Bombay Act IV of 1868 was in force before the passing of this Regulation, a similar public notice shall be issued by the Deputy Commissioner within 6 months after the passing of this Regulation: Provided that in any such town or city no survey fee shall be leviable when a fee has already been paid by a land-holder for a sannad obtained by him under Section 10 of the said Act.

Section 133. B. R. C.

Sannad to be granted without extra charge.

149. Every holder of a building-site as aforesaid shall be entitled, after payment of the said survey fee, to receive from the Deputy Commissioner without extra charge one or more sannads, in the form of Schedule H, specifying by plan and description the extent and conditions of his holding :

Provided that, if such holder do not apply for such sannad or sannads at the time of payment of the survey fee or thereafter within six months from the date of the public notice issued by the Deputy Commissioner under the last preceding Section, the Deputy Commissioner may require him to pay an additional fee not exceeding one rupee for each sannad.

Proviso.

Every such sannad shall be executed on behalf of the Government by such officer as may from time to time be lawfully empowered to execute the same.

Section 134, B. R. C.

150. If any land within the site of any village, town or city hitherto ordinarily used for agricultural purposes only, with respect to which a summary settlement has been made between Government and the holder under the provisions of any law for the time being in force, be appropriated to any other purposes, it shall be liable to payment of one-eighth of the rate fixed for unalienated land used for similar purposes in the same locality, in addition to the quit-rent payable under the terms of such summary settlement.

Assessment of lands hitherto used for purposes of agriculture only, appropriated to other purposes.

CHAPTER XI.

Of the Realization of the Land Revenue and other Revenue Demands.

Responsibility for Land Revenue.

Section 136, B. R. C.

151. The registered occupant shall be primarily responsible to Government for the land revenue of unalienated land, and the superior holder shall be primarily responsible to Government for the land revenue of alienated land.

Primary responsibility.

On failure of the person primarily responsible to Government for the land revenue, to pay the same according to the rules legally prescribed in that behalf, it may be recovered from the co-occupant of unalienated land or the co-sharer of alienated land, or in either case from the inferior holder or person in actual occupation of the land.

Recovery of land revenue if the person primarily responsible fails to pay it.

When land revenue is recovered from any such co-occupant, co-sharer, inferior holder, or other person, he shall be allowed credit for all payments which he may have made to the registered occupant, or superior holder, or to his landlord, at or after the prescribed or usual times of such payments, and he shall be entitled to credit in account with the registered occupant or superior holder or with his landlord for the amount recovered from him.

Credit to be allowed to inferior holder for recoveries made from him.

Priority of Government Claim for Land Revenue.

Section 137, B. R. C.

Claims of Government to have precedence over all others.

152. The claim of Government to any moneys recoverable under the provisions of this Chapter shall have precedence over any other debt, demand or claim whatsoever, whether in respect of mortgage, judgment decree, execution or attachment, or otherwise howsoever, against any land or the holder thereof.

Section 138, B. R. C.

The liability of the crop for the revenue of the land.

153. In all cases the land revenue for the current year of land used for agricultural purposes, if not otherwise discharged, shall be recoverable, in preference to all other claims, from the crop of the land subject to the same.

Land Revenue when leviable.

Section 139, B. R. C.

Land revenue may be levied at any time during the revenue year.

154. The land revenue shall be leviable on or at any time after the first day of the revenue year for which it is due; but, except when precautionary measures are deemed necessary under the provisions of Sections 155 to 159, payment will be required only on the dates to be fixed under the provisions hereinafter contained.

Precautionary Measures for the security of the Land Revenue.

Section 140, B. R. C.

Removal of crop which has been sold, &c., may be prevented until the revenue is paid.

155. When the crop of any land or any portion of the same is sold, mortgaged, or otherwise disposed of, whether by order of a civil court or other public authority, or by private agreement, the Deputy Commissioner may prevent its being removed from the land until the current year's revenue of the said land has been paid, whether the date fixed for the payment of the same, under the provisions hereinafter contained, has yet arrived or not. But in no case shall a crop, or any portion of the same, which has been sold, mortgaged, or otherwise disposed of, be detained on account of more than one year's revenue.

Section 141, B. R. C.

In order to secure the land revenue the Deputy Commissioner may

156. It shall be lawful for the Deputy Commissioner, in order to secure the payment of the land revenue by the enforcement of the lien of Government on the crop,

Prevent the reaping of the crop, or

(*a*) to require that the crop growing on any land liable to the payment of land revenue shall not be reaped until a notice in writing has first been given to himself or to some other officer to be named by him in this behalf, and such notice has been returned endorsed with an acknowledgment of its receipt;

537

(*b*) to direct that no such crop shall be removed from the land on which it has been reaped, or from any place in which it may have been deposited, without the written permission of himself or of some other officer as aforesaid ;

the removal thereof, or

(*c*) to cause watchmen to be placed over any such crop to prevent the unlawful reaping or removal of the same, and to realize the amount required for the remuneration of the said watchmen, at such rate not exceeding the rate of pay received by the peons on his establishment as he may deem fit, as an arrear of land revenue due in respect of the land to which such crop belongs.

place watchmen over it.

Section 142, B. R. C.

157. The Deputy Commissioner's orders under either Clause (*a*) or Clause (*b*) of the last preceding Section may be issued generally to all the holders of land paying revenue to Government in a village, or to individual holders merely.

Deputy Commissioner's orders under last Section how to be made known.

If the order be general, it shall be made known by public proclamation to be made by beat of drum in the village and by affixing a copy of the order in the Chavadi, or some other public building in the village. If it be to individual holders, a notice thereof shall be served on each holder concerned.

Any person, who shall disobey any such order after the same has been so proclaimed, or a notice thereof has been served upon him, or who shall, within the meaning of the Indian Penal Code, abet the disobedience of any such order, shall be liable, on conviction after a summary inquiry by the Deputy Commissioner, to a fine not exceeding double the amount of the land revenue due on the land to which the crop belongs in respect of which the offence is committed.

Penalty for disobedience of order.

Section 143, B. R. C.

158. The Deputy Commissioner shall not defer the reaping of the crop, or prolong its deposit unduly, so as to damage the produce ; and if, within two months after the crop has been deposited, the revenue due has not been discharged, he shall either release the crop and proceed to realize the revenue in any other manner authorized by this Chapter, or take such portion thereof as he may deem fit, for sale under the provisions of this Chapter applicable to sales of movable property in realization of the revenue due and of all legal costs, and release the rest.

Reaping, &c., not to be unduly deferred.

Crop when to be released.

Section 144, B. R. C.

159. If, owing to disputes among the sharers, or for other cause, the Deputy Commissioner shall deem that there is reason to apprehend that the land revenue payable in respect of any holding consisting of an entire

Temporary attachment and management of a village or share of a village.

village or of a share of a village will not be paid as it falls due, he may cause the village or share of a village to be attached and taken under the management of himself or any agent whom he appoints for that purpose.

Powers of Manager and disposal of surplus profits.

The provisions of Section 175 shall apply to any village or share of a village so attached, and all surplus profits of the land attached, beyond the cost of such attachment and management, including the payments of the land revenue and the cost of the introduction of a revenue survey, if the same be introduced under the provisions of Section 128, shall be kept in deposit for the eventual benefit of the person or persons entitled to the same, or paid to the said person or persons from time to time, as the Deputy Commissioner, subject to the orders of the Government, may direct.

Section 145, B. R. C.

Precautionary measures to be relinquished on security being furnished.

160. The precautionary measures authorized by the last five Sections shall be relinquished if the person primarily responsible for the payment of revenue, or any person who would be responsible for the same if default were made by the person primarily responsible, shall pay the costs, if any, lawfully incurred by the Deputy Commissioner up to the time of such relinquishment, and shall furnish security satisfactory to the Deputy Commissioner for the payment of the revenue at the time at which, or in the instalments, if any, in which, it is payable under the provisions hereinafter contained.

Regulation of payment of Land Revenue.

Section 146, B. R. C.

Government to determine the dates, &c., on which land revenue shall be payable.

161. Land revenue, except when it is recovered under the provisions of the foregoing Sections 155 to 159, shall be payable at such times, in such instalments, to such persons and at such places as may, from time to time, be determined by the orders of Government.

Defaulters.

Section 147, B. R. C.

Arrear.
Defaulters.

162. Any sum not so paid becomes thereupon an arrear of land revenue; and the persons responsible for it, whether under the provisions of Section 151 or of any other Section, become defaulters.

Section 148, B. R. C.

Liability incurred by default.

163. If any instalment of land revenue be not fully paid within the prescribed time, it shall be lawful for the Deputy Commissioner to proceed to levy at once the entire balance of land revenue due by the defaulter for the current year, in addition to such charge as a penalty, or by way of interest, as may be authorized according to a scale to be fixed from time to time under the orders of the Government.

539

Section 149, B. R. C.

164. A statement of account, certified by the Deputy Commissioner, or by an Assistant Commissioner, shall, for the purposes of this Chapter, be conclusive evidence of the existence of the arrear of the amount of land revenue due, and of the person who is the defaulter.

Certified account to be evidence as to arrears.

On receipt of such certified statement, it shall be lawful for the Deputy Commissioner of one District to proceed to recover the demands of the Deputy Commissioner of any other District under the provisions of this Chapter as if the demand arose in his own District.

Deputy Commissioners may realize each others demands.

Recovery of Arrears.

Section 150, B. R. C.

165. An arrear of land revenue may be recovered by the following processes :—

Process for recovery of arrears.

(*a*) by serving a written notice of demand on the defaulter under Section 167;

(*b*) by forfeiture of the occupancy or alienated holding in respect of which the arrear is due under Section 168 ;

(*c*) by distraint and sale of the defaulter's movable property under Section 169 ;

(*d*) by sale of the defaulter's inmovable property under Section 170 ;

(*e*) by arrest and imprisonment of the defaulter under Sections 172 and 173 ;

(*f*) in the case of alienated holdings consisting of entire villages, or shares of villages, by attachment of the said villages, or shares of villages, under Sections 174 to 178.

Section 151, B. R. C.

166. The said processes may be employed for the recovery of arrears of former years as well as of the current year, but the preferences given by Sections 152 and 153 shall apply only to demands for the current year :

Revenue demands of former years how recoverable.

Provided that any process commenced in the current year shall be entitled to the said preferences, notwithstanding that it may not be fully executed within that year.

Proviso.

Notice of Demand.

Section 152, B. R. C.

167. A notice of demand may be issued on or after the day following that on which the arrear accrues. The Government may from time to time frame rules for the issue of such notices and shall fix the costs recoverable from the defaulter as an arrear of revenue, and direct by what officer such notices shall be issued.

When notice of demand may issue.

Forfeiture of Occupancy or Alienated Holding.

Section 153, B. R. C.

The occupancy or alienated holding for which arrear is due may be forfeited.

168. The Deputy Commissioner may declare the occupancy or alienated holding, in respect of which an arrear of land revenue is due, to be forfeited to Government, and sell or otherwise dispose of the same under the provisions of Sections 59 and 60, and credit the proceeds, if any, to the defaulter's accounts.

Sale of Defaulter's Property.

Section 154, B. R. C.

Distraint and sale of defaulter's movable property.

By whom to be made.

169. The Deputy Commissioner may also cause the defaulter's movable property to be distrained and sold. Such distraint shall be made by such officers or class of officers as the Government may, from time to time, direct.

Section 155, B. R. C.

Sale of defaulter's immovable property.

170. The Deputy Commissioner may also cause the right, title and interest of the defaulter in any immovable property other than the land on which the arrear is due, to be sold.

Section 156, B. R. C.

Exemption from distraint and sale.

171. All such property as is by the Civil Procedure Code exempted from attachment or sale in execution of a decree, shall also be exempt from distraint or sale under either of the last two preceding Sections.

The Deputy Commissioner's decision as to what property is so entitled to exemption shall be conclusive.

Arrest and Imprisonment.

Section 157, B. R. C.

Arrest and detention of defaulter.

172. At any time after an arrear becomes due, the defaulter may be arrested and detained in custody for 10 days in the Office of the Deputy Commissioner or of an Amildar or Deputy Amildar, unless the revenue due, together with the penalty or interest and the costs of arrest and of notice of demand, if any, have issued, and the cost of his subsistence during detention, is sooner paid.

Imprisonment in civil jail.

If, on the expiry of 10 days, the amount due by the defaulter is not paid, then, or if the Deputy Commissioner deem fit on any earlier day, he may be sent by the Deputy Commissioner with a warrant, in the form of Schedule D, for imprisonment in the civil jail of the District :

Provided as follows :—

541

1stly.—That no defaulter shall be detained in imprisonment for a longer period than the time limited by law in the case of the execution of a decree of a civil court for a debt equal in amount to the arrear of revenue due by such defaulter.

Duration of defaulter's custody.

2ndly.—That no minor, lunatic, or idiot shall be liable to be arrested under this Section.

Exemption of minor, lunatic or idiot.

3rdly.—That the Government may, by special or general order, exempt particular places or individuals from the provisions of this Section, during such time as may be specified in such order, and it may from time to time cancel such order.

Power to Government to exempt particular places or individuals.

Section 158, B. R. C.

173. The Government may, from time to time, declare by what officers, or class of officers, the powers of arrest conferred by Section 172 may be exercised, and also fix the costs of arrest and the amount of subsistence money to be paid by Government to any defaulter under detention or imprisonment.

Power of arrest by whom to be exercised.

Attachment of Villages.

Section 159, B. R. C.

174. If the holding, in respect of which an arrear is due, consists of an entire village, or of a share of a village, and the adoption of any of the other processes before specified is deemed inexpedient, the Deputy Commissioner may, with the previous sanction of the Government, cause such village or share of a village to be attached, and taken under the management of himself or any agent or officer whom he appoints for that purpose.

Power to attach defaulter's village, and take it under management.

Section 160, B. R. C.

175. The lands of any village or share of a village so attached shall revert to Government unaffected by the acts of the superior holder, or of any of the sharers, or by any charges or liabilities subsisting against such lands, or against such superior holder or sharers as are interested therein, so far as the public revenue is concerned, but without any prejudice in other respects to the rights of individuals;

Lands of such village to revert free of incumbrances.

and the Deputy Commissioner, or the agent or officer so appointed, shall be entitled to manage the lands attached, and to receive all rents and profits accruing therefrom to the exclusion of the superior holder or any of the sharers thereof, until the Deputy Commissioner restores the said superior holder to the management thereof.

Powers of Manager.

Section 161, B. R. C.

Application of surplus profits.

176. All surplus profits of the lands attached, beyond the cost of such attachment and management, including the payment of the current revenue and the cost of the introduction of a Revenue survey, if the same be introduced under the provisions of Section 128 of this Regulation, shall be applied in defraying the said arrear.

Section 162, B. R. C.

Restoration of a village so attached.

177. The village or share of a village so attached shall be released from attachment and the management thereof shall be restored to the superior holder on the said superior holder making an application to the Deputy Commissioner for that purpose at any time within 12 years from the 1st August next after the attachment;

if at the time that such application is made, it shall appear that the arrear has been liquidated;

or if the said superior holder shall be willing to pay the balance, if any, still due by him, and shall do so within such period as the Deputy Commissioner may prescribe in that behalf.

Disposal of surplus receipts.

The Deputy Commissioner shall make over to the superior holder the surplus receipts, if any, which have accrued in the year in which his application for restoration of the village or share of a village is made after defraying all arrears and costs, but such surplus receipts, if any, of previous years shall be at the disposal of Government.

Section 163, B. R. C.

Village, &c., to vest in Government if not redeemed within twelve years.

178. If no application be made for the restoration of a village or portion of a village so attached within the said period of twelve years, or if, after such application has been made, the superior holder shall fail to pay the balance, if any, still due by him, within the period prescribed by the Deputy Commissioner in this behalf, the said village or portion of a village shall thenceforward vest in Government free from all incumbrances created by the superior holder or any of the sharers or any of his or their predecessors in title, or in anywise subsisting as against such superior holder or any of the sharers, but without prejudice to the rights of the actual occupants of the soil.

Stay of Proceedings.

Section 164, B. R. C.

But all processes to be stayed on security being given.

179. Any defaulter detained in custody, or imprisoned, shall forthwith be set at liberty, and the execution of any process shall, at any time, be stayed, on the defaulter's giving before the Deputy Commissioner or other person nominated by him for the purpose, or if the defaulter is in jail, before the officer in charge of such jail, security in the form of Schedule E, satisfactory to the Deputy Commissioner, or to such other person or officer.

543

and any person against whom proceedings are taken under this Chapter may pay the amount claimed, under protest, to the officer taking such proceedings, and upon such payment the proceedings shall be stayed, and the person, if in custody, shall be forthwith set at liberty.

Or on the amount demanded being paid, under protest.

Procedure in respect of Sales.

Section 165, B. R. C.

180. When any sale of either movable or immovable property is ordered under the provisions of this Chapter, the Deputy Commissioner shall issue a proclamation, in Canarese, of the intended sale, specifying the time and place of sale, and in the case of movable property, whether the sale is subject to confirmation or not, and, when land paying revenue to Government is to be sold, the revenue assessed upon it, together with any other particulars he may think necessary.

Procedure in effecting sales.

Such proclamation shall be made by beat of drum at the head-quarters of the Taluk, and in the village in which the immovable property is situate, if the sale be of immovable property; if the sale be of movable property, the proclamation shall be made in the village in which such property was seized, and in such other places as the Deputy Commissioner may direct.

Proclamation of sale.

Section 166, B. R. C.

181. A written notice of the intended sale of immovable property, and of the time and place thereof, shall be affixed in each of the following places, *viz.*, the Office of the Deputy Commissioner of the District, the Office of the Amildar, or Deputy Amildar of the Taluk in which the immovable property is situate, the Chavadi or some other public building in the village in which it is situate, and the defaulter's dwelling place.

Notification of sale.

In the case of movable property, the written notice shall be affixed in the Amildar's or Deputy Amildar's Office, and in the Chavadi or some other public building in the village in which such property was seized.

The Deputy Commissioner may also cause notice of any sale, whether of movable or immovable property, to be published in any other manner that he may deem fit.

Section 167, B. R. C.

182. Sales shall be made by auction by such persons as the Deputy Commissioner may direct.

Sales by whom to be made.

No such sale shall take place on a general holiday recognized by Government, nor until after the expiration of at least thirty days in the case of immovable property, or seven days in the case of movable property, from the latest date on which any of the said notices shall have been affixed as required by the last preceding Section.

Time when sale may be made.

The sale may, from time to time, be postponed for any sufficient reason.

Postponement of sale.

544

Section 168, B. R. C.

Sale of perishable articles.

183. Nothing in the last three Sections applies to the sale of perishable articles. Such articles shall be sold by auction with the least possible delay, in accordance with such orders as may, from time to time, be made by the Deputy Commissioner either generally or specially in that behalf.

Section 169, B. R. C.

When sale may be stayed.

184. If the defaulter, or any person on his behalf, pay the arrear in respect of which the property is to be sold and all other charges legally due by him at any time before the day fixed for the sale, to the person appointed under Section 161 to receive payment of the land revenue due, or to the officer appointed to conduct the sale, or if he furnish security under Section 179, the sale shall be stayed.

Section 170, B. R. C.

Sales of movable property when liable to confirmation.

185. Sales of perishable articles shall be at once finally concluded by the officer conducting such sales. All other sales of movable property shall be finally concluded by the officer conducting such sales, or shall be subject to confirmation, as may be directed, in orders to be made by the Deputy Commissioner either generally or specially in that behalf. In the case of sales made subject to confirmation, the Deputy Commissioner shall direct by whom such sales may be confirmed.

Section 171, B. R. C.

Mode of payment for movable property when sale is concluded at once.

186. When the sale is finally concluded by the officer conducting the same, the price of every lot shall be paid for at the time of sale, or as soon after as the said officer shall direct, and in default of such payment, the property shall forthwith be again put up and sold. On payment of the purchase money, the officer holding the sale shall grant a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

Section 172, B. R. C.

Ditto when sale is subject to confirmation.

187. When the sale of any movable property is subject to confirmation, the party who is declared to be the purchaser shall be required to deposit immediately twenty five per centum on the amount of his bid, and in default of such deposit, the property shall forthwith be again put up and sold. The full amount of purchase money shall be paid by the purchaser before sunset of the day after he is informed of the sale having been confirmed, or, if the said day be an authorized holiday, then before sunset of the first office day after such day. On payment of such full amount of the purchase money, the purchaser shall be granted a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

Section 173, B. R. C.

Deposit by purchaser in case of sale of immovable property.

188. In all cases of sale of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per centum, on the amount

of his bid, and in default of such deposit, the property shall forthwith be again put up and sold.

Section 174, B. R. C.

Purchase money when to be paid.

189. The full amount of purchase money shall be paid by the purchaser before sunset of the fifteenth day from that on which the sale of the immovable property took place, or, if the said fifteenth day be an authorized holiday, then before sunset of the first office day after such fifteenth day.

Section 175, B. R. C.

Effect of default.

190. In default of payment within the prescribed period of the full amount of purchase money, whether of movable or immovable property, the deposit, after defraying thereout the expenses of the sale, shall be forfeited to Government, and the property shall be resold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

Section 176, B. R. C.

Liability of purchaser for loss by re-sale.

191. If the proceeds of the sale which is eventually made, be less than the price bid by such defaulting purchaser, the difference shall be recoverable from him by the Deputy Commissioner as an arrear of land revenue.

Section 177, B. R. C.

Notification before resale.

192. Every resale of property in default of payment of the purchase money, or after postponement of the first sale, shall, except when such resale takes place forthwith, be made after the issue of a fresh notice in the manner prescribed for original sales.

Section 178, B. R. C.

Application to set aside sale.

193. At any time within thirty days from the date of the sale of immovable property, application may be made to the Deputy Commissioner to set aside the sale on the ground of some material irregularity, or mistake, or fraud, in publishing or conducting it; but, except as is otherwise provided in the next following Section, no sale shall be set aside on the ground of any such irregularity, or mistake, unless the applicant proves to the satisfaction of the Deputy Commissioner that he has sustained substantial injury by reason thereof.

If the application be allowed, the Deputy Commissioner shall set aside the sale, and direct a fresh one.

Section 179, B. R. C.

Order confirming or setting aside sale.

194. On the expiration of thirty days from the date of the sale, if no such application as is mentioned in the last preceding Section has been made, or if such application has been made and rejected, the Deputy Commissioner shall make an order confirming the sale: Provided that, if he shall have reason to think that the sale ought to be set aside notwithstanding

that no such application has been made, or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.

Section 180, B. R. C.

Refund of deposit or purchase money when sale is set aside.

195. Whenever the sale of any property is not confirmed, or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase money, as the case may be.

Section 181, B. R. C.

On confirmation of sale, purchaser to be put in possession. Certificate of purchase.

196. After a sale of any occupancy or alienated holding has been confirmed in manner aforesaid, the Deputy Commissioner shall put the person declared to be the purchaser into possession of the land, included in such occupancy or alienated holding, and shall cause his name to be entered in the revenue records as occupant or holder in lieu of that of the defaulter, and shall grant him a certificate to the effect that he has purchased the occupancy or alienated holding to which the certificate refers,

Section 182, B. R. C.

Bar of suit against certified purchaser.

197. The certificate shall state the name of the person declared at the time of sale to be the actual purchaser, and any suit brought in a civil court against the certified purchaser on the ground that the purchase was made on behalf of another person, not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed.

Section 183, B. R. C.

Application of proceeds of sale.

198. When any sale of movable property under this Chapter has become absolute, and when any sale of immovable property has been confirmed, the proceeds of the sale shall be applied to defraying the expenses of the sale and to the payment of any arrears due by the defaulter at the date of the confirmation of such sale and recoverable as an arrear of land revenue;

and the surplus, if any, shall be paid to the person whose property has been sold.

Expenses of sale how calculated.

The expense of the sale shall be estimated at such rates and according to such rules as may, from time to time, be sanctioned by Government.

Section 184, B. R. C.

Surplus not to be paid to creditors except under order of court.

199. The said surplus shall not, except under an order of a civil court, be payable to any creditor of the person whose property has been sold.

Section 185, B. R. C.

Liability of purchaser for revenue.

200. The person named in the certificate of title as purchaser of any land shall be liable for all instalments of land revenue becoming due in respect of such land subsequently to the date of sale.

Section 186, B. R. C.

Claims to attached movable property how to be disposed of.

201. If any claim shall be set up by a third person to movable property attached under the provisions of this Chapter, the Deputy Commissioner shall admit or reject his claim on a summary inquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposable as hereinbefore directed.

Application of the Provisions of this Chapter.

Section 187, B. R. C.

What moneys leviable under the provisions of this Chapter.

202. All sums due on account of the land revenue, all quit-rents, and forfeitures, and all cesses, profits from land, emoluments, fees, charges, penalties, fines and costs payable or leviable under this Regulation or under any Act, rule or order hereby repealed, or under any Act or Regulation for the time being in force relating to land revenue ;

and all moneys due by any contractor for the farm of customs-duties, or of any other duty or tax, or of any other item of revenue whatsoever, and all specific pecuniary penalties, to which any such contractor renders himself liable under the terms of his agreement ;

and also all sums declared by this Regulation or by any other law at the time being in force to be leviable as assessment, or as a revenue demand, or as an arrear of land revenue ;

shall be levied under the foregoing provisions of this Chapter.

Sureties liable as revenue defaulters.

And all persons who may have become sureties under any of the provisions of this Regulation, or of any Act or law hereby repealed, or for any such contractor as aforesaid for any sum of money, shall, on failure to pay the amount or any portion thereof, for which they may have become liable under the terms of their security bond, be liable to be proceeded against under the provisions of this Chapter as revenue defaulters.

On resumption of a farm, no payment made to contractor in advance to be admitted.

And in the event of the resumption of any such farm as is aforesaid, no person shall be entitled to credit for any payment which he may have made to the contractor in anticipation.

Power to Government to make rules as to advances made.

203. The Government may, from time to time, prescribe rules as to advances to be made to the holders of arable land for the relief of distress, the purchase of seed or cattle, or any other purpose, not specified in the Land Improvement Act,

1871, but connected with agricultural objects. Every such advance shall, when it becomes due, be recoverable, with the interest, if any accrued due thereon, from the person to whom such advance was made, or from any person who had become surety for the repayment thereof as if it were an arrear of land revenue due by the person to whom the advance was made or by his surety.

CHAPTER XII.

PROCEDURE OF REVENUE OFFICERS.

Section 188, B. R. C.

Subordination of Revenue Officers.

204. In all official acts and proceedings, a Revenue officer shall, in the absence of any express provision of law to the contrary, be subject as to the place, time and manner of performing his duties, to the direction and control of the officer to whom he is subordinate.

Section 189, B. R. C.

Power to summon persons to give evidence and produce documents.

205. (1). Every Revenue officer not lower in rank than a Deputy Amildar, or an Assistant Superintendent of Survey, in their respective departments, shall have power to summon any person whose attendance he considers necessary either to be examined as a party, or to give evidence as a witness, or to produce documents for the purposes of any inquiry which such officer is legally empowered to make. A summons to produce documents may be for the production of certain specified documents, or for the production of all documents of a certain description in the possession of the person summoned.

(2). Any person so summoned shall be bound to attend either in person or by an authorized agent as directed in the summons, and, when the summons directs the production of a document or thing, to cause its production. Any person summoned merely to produce a document or other thing shall be deemed to have complied with the summons by causing the production of such document or thing instead of attending personally to produce the same.

(3). And all persons summoned to attend shall be bound to state the truth upon any subject respecting which they are examined or make statements, and to produce such documents and other things as may be required.

Witness to be examined on commission under certain circumstances.

206. When the person whose evidence may be required is unable from sickness or infirmity to attend before the officer issuing the summons, or is a person whom, by reason of rank or sex, it may not be proper to summon, the officer issuing the summons may, of his own motion, or on the application of the party whose evidence is desired, dispense with the appearance of such person and order him to be examined by a subordinate deputed by such officer for the purpose.

Section 190, B. R. C.

Summons to be in writing, signed and sealed.

207. Every summons shall be in writing, in duplicate, and shall state the purpose for which it is issued, and shall be signed by the officer issuing it, and, if he have a seal, shall also bear his seal; it shall require the person summoned to appear before the said officer at a stated time and place, and shall specify whether his attendance is required for the purpose of giving evidence or to produce a document or for both purposes;

How to be served.

It shall be served by tendering or delivering a copy of it to the person summoned, or, if he cannot be found, by leaving a copy of it with some adult member of his family residing with him, or by affixing a copy of it to some conspicuous part of his usual residence.

Service in District other than that of issue.

If his usual residence be in another District, the summons may be sent by post to the Deputy Commissioner of that District, who shall cause it to be served in accordance with the preceding Clause of this Section.

Section 191, B. R. C.

Mode of serving notice.

208. Every notice under this Regulation, unless it is otherwise expressly provided, shall be served either by tendering or delivering a copy thereof to the person on whom it is to be served, or to his agent, if he have any, or by affixing a copy thereof to some conspicuous place on the land, if any, to which such notice refers.

No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein, unless when such error has produced substantial injustice.

Section 192, B. R. C.

Procedure for procuring attendance of witnesses.

209. In any formal or summary inquiry, if any party desires the attendance of witnesses, he shall follow the procedure prescribed by the Code of Civil Procedure, Section 160.

Formal Inquiry.

Section 193, B. R. C.

Mode of taking evidence in formal inquiries.

210. In all formal inquiries, the evidence shall be taken down in full, in writing, in Canarese, by, or in the presence and hearing and under the personal superintendence and direction of the officer making the investigation or inquiry, and shall be signed by him.

In cases in which the evidence is not taken down in full in writing by the officer making the inquiry, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes; and such memorandum shall be written and signed by such officer with his own hand, and shall form part of the record.

If such officer is prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

Taking evidence given in English.

Translation to be on record.

When the evidence is given in English, such officer may take it down in that language with his own hand, and an authenticated translation of the same in Canarese shall be made and shall form part of the record.

Section 194, B. R. C.

Writing and explanation of decisions.

211. Every decision, after a formal inquiry, shall be written by the officer passing the same in his own hand-writing, and shall contain a full statement of the grounds on which it is passed.

Summary Inquiry.

Section 195, B. R. C.

Summary inquiries how to be conducted.

212. In summary inquiries, the presiding officer shall himself, as any such inquiry proceeds, record a minute of the proceedings in his own hand in English or in Canarese, embracing the material averments made by the parties interested, the material parts of the evidence, the decision and the reasons for the same.

Provided that it shall at any time be lawful for such officer to conduct an inquiry directed by this Regulation to be summary under all or any of the rules applicable to a formal inquiry, if he deem fit.

Section 196, B. R. C.

Formal and summary inquiries to be deemed judicial proceedings.

213. A formal or summary inquiry under this Regulation shall be deemed to be a "Judicial proceeding" within the meaning of Sections 193, 219 and 228 of the Indian Penal Code, and the office of any authority holding a formal or summary inquiry shall be deemed a civil court for the purposes of such inquiry.

Hearing and decisions. Notice to parties.

Every hearing and decision, whether in a formal or summary inquiry, shall be in public, and the parties or their authorized agents shall have due notice to attend.

Section 197, B. R. C.

Ordinary inquiries how to be conducted.

214. An inquiry which this Regulation does not require to be, either formal or summary, or which any Revenue officer may, on any occasion, deem to be necessary to make, in the execution of his lawful duties, shall be conducted according to such rules applicable thereto, whether general or special, as may have been prescribed by the Government, or an authority superior to the officer conducting such inquiry, and, except in so far as controlled by such rules, according to the discretion of the officer, in such way as may seem best calculated for the ascertainment of all essential facts, and the furtherance of the public good.

551.

Section 198, B. R. C.

Copies and translations, &c., how to be obtained.

215. In all cases in which a formal or summary inquiry is made, authenticated copies and translations of decisions, orders, and the reasons therefor, and of exhibits, shall be furnished to the parties, and original documents used as evidence shall be restored to the persons who produced them, or to persons claiming under them, on due application being made for the same, subject to such charges for copying, &c., as may, from time to time, be authorized by Government.

Section 199, B. R. C.

Arrest of a defaulter to be made upon a warrant.

216. Whenever it is provided by this Regulation, that a defaulter or any other person may be arrested, such arrest shall be made upon a warrant issued by any officer competent to direct such person's arrest.

Section 200, B. R. C.

Power of Revenue officer to enter upon any land or premises for purpose of measurement, &c.

217. It shall be lawful for any Revenue officer at any time, and from time, to time, to enter when necessary, for the purposes of measurement, fixing, or inspecting boundaries, classification of soil, or assessment, or for any other purpose connected with the lawful exercise of his office under the provisions of this Regulation, or of any other law for the time being in force relating to land revenue, any lands or premises, whether belonging to Government or private individuals, and whether fully assessed to the land revenue, or partially or wholly exempt from the same :

Proviso.

Provided always that no building used as a human dwelling shall be entered, unless with the consent of the occupier thereof, without a notice having been served at the said building, not less than seven days before such entry ; and provided also that, in the cases of buildings of all descriptions, due regard shall be paid to the social and religious prejudices of the occupiers.

Section 202, B. R. C.

Deputy Commissioner how to proceed in order to evict any person wrongfully in possession of land.

218. Whenever it is provided by this Regulation, or by any other law for the time being in force, that the Deputy Commissioner may or shall, evict any person wrongfully in possession of land, such eviction shall be made in the following manner, *viz* :—

by serving a notice on the person or persons in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land ; and

if such notice is not obeyed, by removing, or deputing a subordinate to remove, any person who may refuse to vacate the same ; and

if the officer removing any such person shall be resisted or obstructed by any person, the Deputy Commissioner shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause, and that such resistance and obstruction still continue, may, without prejudice to any proceedings to which such person may be liable un-

der any law for the time being in force for the punishment of such resistance or obstruction, issue a warrant for the arrest of the said person, and on his appearance, commit him to close custody in the office of the Deputy Commissioner or of any Amildar or Deputy Amildar, or send him with a warrant, in the form of Schedule I, for imprisonment in the civil jail of the District for such period, not exceeding thirty days, as may be necessary to prevent the continuance of such obstruction or resistance.

CHAPTER XIII.

Appeals and Revision.

Section 203, B. R. C.

Appeal to lie from any order passed by a Revenue officer to his superior.

219. In the absence of any express provision of this Regulation, or of any law for the time being in force to the contrary, an appeal shall lie from any decision or order passed by a Revenue officer under this Regulation, or any other law for the time being in force, to that officer's immediate superior authority, whether such decision or order may itself have been passed on appeal from a subordinate officer's decision or order or not.

Section 205, B. R. C.

Periods within which appeals must be brought.

220. No appeal shall be brought after the expiration of thirty days if the decision or order complained of have been passed by an officer inferior in rank to a Deputy Commissioner or a Superintendent of Survey in their respective Departments, nor after the expiration of sixty days in any other case.

In computing the above periods, the time required to prepare a copy of the decision or order appealed against shall be excluded.

Section 206, B. R. C.

Admission of appeal after period of limitation.

221. Any appeal under this Chapter may be admitted after the period of limitation prescribed therefor, when the appellant satisfies the authority to which he appeals, that he had sufficient cause for not presenting the appeal within such period.

No appeal shall lie against an order passed under this Section admitting an appeal.

Section 207, B. R. C.

Provision where last day for appeal falls on a holiday.

222. Whenever the last day of any period provided in this Chapter for the presentation of an appeal falls on a holiday recognized by Government, the day next following the close of the holiday shall be deemed to be such last day.

Section 208, B. R. C.

Copy of order to accompany petition of appeal.

223. Every petition of appeal shall be accompanied by the decision or order appealed against, or by an authenticated copy of the same.

Section 209, B. R. C.

Powers of appellate authority.

224. The appellate authority may either annul, reverse, modify or confirm, the decision or order of the subordinate officer appealed against, or he may direct the subordinate officer to make such further investigation or to take such additional evidence as he may think necessary, or he may himself take such additional evidence.

Section 210, B. R. C.

Power to suspend execution of order of subordinate officer.

225. In any case in which an appeal lies, the appellate authority may, pending decision of the appeal, direct the execution of the decision or order of the subordinate officer to be suspended.

Section 211, B. R. C.

Power of Government or of certain Revenue officers to call for and examine the records and proceedings of subordinate officers.

226. The Government, or a Deputy Commissioner, or a Superintendent of Survey, in their respective Departments, may call for and examine the record of any inquiry or the proceedings of any Revenue officer subordinate to it or him, for the purpose of satisfying itself or himself as to the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer.

The following officers may in the same manner call for and examine the proceedings of any officer subordinate to them in any matter in which neither a formal nor a summary inquiry has been held; namely—an Assistant Commissioner, an Amildar, a Deputy Amildar, an Assistant Superintendent of Survey and an Assistant Settlement officer.

And to pass orders thereupon.

If, in any case, it shall appear to such officer as aforesaid, that any decision or order or proceedings so called for should be modified, annulled or reversed, he may pass such order thereon as he deems fit.

Section 212, B. R. C.

Rules as to decisions or orders expressly made final.

227. Whenever in this Regulation it is declared that a decision or order shall be final, such expression shall be deemed to mean that no appeal lies from such decision or order.

The Government alone shall be competent to modify, annul, or reverse, any such decision or order under the provisions of the last preceding Section.

CHAPTER XIV.

REVENUE JURISDICTION.

Interpretation Clause.

228. In this Chapter, unless there be something repugnant in the subject or context—

"Land" includes the sites of villages, towns and cities; it also includes trees, growing crops and grass, fruit upon, and juice in, trees, rights of way, ferries, and fisheries.

"Land Revenue" means all sums and payments in money or in kind received or claimable by, or on behalf of, Government, from any person on account of land held by, or vested in, him, and any cess or rate authorized by Government under the provisions of any law for the time being in force.

Saving of provisions of Pension's Act.

229. Nothing in this Chapter shall affect any of the provisions of Act XXIII of 1871 (The Pensions Act).

Bar of certain suits.

230. Subject to the exceptions hereinafter appearing, and except as hereinbefore expressly provided, no civil court shall exercise jurisdiction as to any of the following matters:—

(a) Claims against Government relating to any property appertaining to the office of any hereditary officer appointed or recognized by Government or of any other village officer or servant; or

claims to perform the duties of any such officer or servant, or in respect of any injury caused by exclusion from such office or service; or

suits to set aside or avoid any order relating to such office or service or such officer or servant, which may be passed by Government, or any officer duly authorized in that behalf; or

claims against Government relating to lands declared by Government, or any officer duly authorized in that behalf to be held for any service whatsoever;

(b) Objections—

to the amount or incidence of any assessment of land revenue authorized by Government, or to the mode of assessment, or to the principle on which such assessment is fixed; or

to the validity or effect of the notification of survey or settlement, or of any notification determining the period of settlement;

(c) Claims connected with or arising out of any proceedings for the realization of land revenue, or the rendering of assistance by Government, or any officer duly authorized in that behalf to superior holders for the recovery of their dues from inferior holders; or

claims to set aside on account of irregularity, mistake or any other ground except fraud, sales for arrears of land revenue;

(d) Claims against Government—

(1) to be entered in the Revenue survey or settlement records or village papers as liable for the land revenue, or as superior holder, inferior holder, occupant, or tenant; or

(2) to have any entry made in any record of a Revenue survey or settlement; or

(3) to have any such entry either omitted or amended;

(*e*) the distribution of land or allotment of land revenue on partition of any estate under Bombay Act IV of 1868, or under this Regulation, or under any other law for the time being in force ;

(*f*) Claims for enhancement or abatement of rent under Section 92, or claims for lease or reciprocal engagements under Sections 100 and 101 ;

(*g*) Claims against Government to hold land wholly or partially free from payment of land revenue; or

to receive payments charged on or payable out of the land revenue; or

to set aside any cess or rate authorized by Government under the provisions of any law for the time being in force, or respecting the occupation of waste or vacant land belonging to Government;

(*h*) Claims regarding boundaries fixed under Bombay Act I of 1865 or under this Regulation, or under any other law for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary marks :

Provided that if any person claim to hold land wholly or partially exempt from payment of land revenue under

Proviso.

(*i*) any enactment for the time being in force expressly creating an exemption not before existing in favor of an individual, or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years ; or

(*j*) an instrument or sannad given by, or by order of, the Government;

Such claim shall be cognizable in the civil courts.

Illustrations to (i).

(1) It is enacted that when a specific limit to assessment has been established and preserved, the assessment shall not exceed such specific limit. A is the owner of land worth Rs. 100 for assessment. He claims to be assessed at Rs. 50 only on the strength of a course of dealing with him and his predecessors under which his land has not been more highly assessed. There is no exemption not before existing created by enactment, and A's claim is not cognizable in a civil court.

(2) It is enacted that land revenue shall not be leviable from any land held and entered in the land register as exempt. A claims to hold certain land as exempt on the ground that it has been so held by him and is so entered in the land register. This is an exemption expressly confirmed by enactment on the ground of its being shown in a public record, and A's claim is cognizable in a civil court.

(3) It is enacted that the Deputy Commissioner shall confirm. existing exemptions of all lands shown in certain maps to be exempt. A claims exemption alleging that his land is shown in the maps to be exempt. A's claim is cognizable in a civil court.

(4) It is enacted that assessment shall be fixed with reference to certain considerations and not with reference to others. This is not an enactment creating an exemption in favor of any individual or class, and no objection to an assessment under such an enactment is cognizable in a civil court.

Saving of certain suits.

231. Nothing in the preceding Section shall be held to prevent the civil courts from entertaining the following suits :—

(*a*) suits against Government to contest the amount claimed, or paid under protest, or recovered as land revenue, on the ground that such amount is in excess of the amount authorized in that behalf by Government, or that such amount had, previous to such claim, payment, or recovery, been satisfied, in whole or in part, or that the plaintiff, or the person whom he represents, is not the person liable for such amount ;

(*b*) suits between private parties for the purpose of establishing any private right although it may be affected by any entry in any record of a Revenue survey or settlement, or in any village papers ;

(*c*) suits between superior holders and inferior holders regarding the dues claimed or recovered from the latter upon any of the grounds specified in Clause (*a*) of this Section ;

and nothing in Clause (*b*) of the preceding Section shall be held to prevent the civil courts from entertaining suits, other than suits against Government, for possession of any land being a whole survey number or a recognized share of a survey number.

Bar of certain suits against Revenue officers.

232. Revenue officers shall not be liable to be sued for damages in any civil court for any act *bonâ-fide* done or ordered to be done by them as such, in pursuance of the provisions of any law for the time being in force.

If any Revenue officer absconds or does not attend when called on by his official superior, and if the Deputy Commissioner of the District proceeds against him or his sureties for public money, papers or property, according to the provisions of this Regulation, or of any law for the time being in force, such Deputy Commissioner shall not be liable to pay damages or costs in any suit brought against him by such officer or sureties, although it appears that a part only, or no part whatever, of the sum demanded was due from the officer so absconding or failing to attend, or that he was not in possession of the papers or property demanded of him.

Punishment or prosecution of Revenue officers no bar to civil remedies.

233. Nothing in any law for the time being in force which authorizes the punishment departmentally of any Revenue officer for any offence or breach of duty or which sanctions his prosecution criminally for such offence or breach, shall be held to bar any remedy which may be had in the civil court against such officer.

Suits not to be entertained unless plaintiff has exhausted right of appeal.

234. No civil court shall entertain any suit against Government on account of any act or omission of any Revenue officer, unless the plaintiff first proves that previously to bringing his suit, he has presented all such appeals allowed by the law for the time being in force, as, within the period of limitation allowed for bringing such suit, it was possible to present.

Power of Government to refer questions for decision of Chief Court.

235. If, in the trial or investigation of any suit, claim or objection which, but for the provisions of this Chapter, might have been tried or investigated by a civil court, there arises any question on which the Government desires to have the decision of the Chief Court, the Government may cause a statement of the question to be prepared and may refer such question for the decision of the Chief Court.

The Chief Court shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the court-house.

The parties to the case may appear and be heard in the Chief Court in person, or by their Advocates or Pleaders.

The Chief Court, when it has heard and considered the case, shall send a copy of its decision, with the reasons therefor, under the seal of the Court, to the Government by which the reference was made, and the case shall be disposed of conformably to such decision.

If the Chief Court considers that any such statement is imperfectly framed, the Chief Court may return it for amendment.

The costs (if any) consequent on any such reference shall be dealt with as the Chief Court in each case directs.

Power of Civil Judge to refer questions of jurisdiction to Chief Court.

236. If, in any suit instituted, or in any appeal presented, in a civil court, the Judge doubts whether he is precluded by this Chapter from taking cognizance of the suit or appeal, he may refer the matter to the Chief Court.

The Chief Court may order the Judge making the reference either to proceed with the case or to return the plaint.

The order of the Chief Court on any such reference shall be final.

Composition of Bench.

237. If the Chief Court consists of three or more Judges, every reference under Section 235 or Section 236 shall be heard by a Bench consisting of such number of Judges not less than three as the Chief Judge from time to time directs.

Reference of Government suits to District Judge.

238. No Munsiff, Subordinate Judge or Court of Small Causes shall receive or register a suit in which the Government or any officer of Government in his official capacity is a party; but in every such case, such Munsiff, Judge or Court shall refer the plaintiff to the District Judge in whose court alone such suit shall be instituted.

Privileges of Government in suits defended by it.

239. Whenever any suit is brought in any District Court against Government,

or against any Revenue officer, and the Government undertakes the defence thereof,

it shall be lawful for the Government by a certificate signed by a Secretary thereto, to require that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in such Court, and the Court shall give effect to every such requirement.

The privilege conferred on the Government by this Section shall *mutatis mutandis* apply to any appeal or second appeal against any decree in any such suit as is described in this Section.

CHAPTER XV.

Miscellaneous.

Section 213, B. R. C.

Maps and land registers and village accounts, &c. open to inspection.

240. Subject to such rules and the payment of such fees as the Government may, from time to time, prescribe in this behalf, all maps and survey records, and all village accounts and land registers shall be open to the inspection of the public at reasonable hours, and certified extracts from such maps, registers and accounts, or certified copies thereof, shall be given to all persons applying for the same.

Section 214, B. R. C.

The Government to frame rules.

241. The Government may, from time to time, make and from time to time vary, or rescind, rules or orders not inconsistent with this Regulation:

(*a*) determining the qualifications to be required of all members of establishments appointed under Section 21;

(*b*) regulating the power of fining, reducing, suspending and dismissing Revenue officers under Section 32;

(*c*) prescribing the purposes to which land liable to the payment of land revenue may be appropriated under Section 53;

(*d*) regulating the system and manner of assessing land to the land revenue under Sections 55 and 117 ;

(*e*) for the disposal of forfeited occupancies or alienated holdings under Section 59 ;

(*f*) fixing the maximum amount of fine leviable under Section 64 when land, which has been unauthorizedly occupied, is appropriated to any non-agricultural purpose ;

(*g*) for the administration of any survey settlement ;

(*h*) prescribing the mode, form and manner in which appeals under Chapter XIII of this Regulation shall be drawn up and presented ;

(*i*) generally for the guidance of all persons in matters connected with the enforcement of this Regulation, or in cases not expressly provided for therein.

Rules or orders made under any of the above Clauses (*c*), (*d*), (*e*), (*f*), or (*i*) may be made either generally or in any particular instance.

Section 215, B. R. C.

Certain rules to be published.

242. All general rules or orders made by the Government under the last preceding Section shall be published, and when published shall, until cancelled or amended, have the force of law.

Power to provide for penalties.

243. It shall be lawful for the Government, in making any such general rule, to attach to the breach of it, in addition to any other consequences which would ensue from such breach, a punishment, on conviction before a magistrate, not exceeding one month's imprisonment of either description, within the meaning of the Indian Penal Code, or five-hundred rupees fine or both.

Section 216, B. R. C.

Chapter VIII to X how far applicable to alienated villages.

244. Save as is otherwise provided in Section 128 and hereinafter in this Section, the provisions of Chapters VIII to X of this Regulation shall not be applied to any alienated village, except for the purposes of fixing the boundaries of any such village or any quit-rent or any local or irrigation cesses payable by such village and of determining any disputes relating thereto. But the provisions of the said Chapters shall be applicable to—

(*a*) all unalienated lands situated within the limits of an alienated village ;

(*b*) villages of which a definite share is alienated, but of which the remaining share is unalienated ;

(*c*) alienated villages, the holders of which are entitled to a certain amount of the revenue, but of which the excess, if any, above such amount, belongs to Government.

560

But it shall be lawful for the Government, on an application, in writing, being made by the holder of any such village to that effect, to authorize the extension of all or any of the provisions of the said Chapters to any such village.

Section 217, B. R. C.

Occupants in alienated villages.

245. When a Survey settlement has been introduced, under the provisions of the last Section or of any law for the time being in force, into an alienated village, the holders of all lands to which such settlement extends shall have the same rights and be affected by the same responsibilities in respect of the lands in their occupation as occupants in unalienated villages have, or are affected by, under the provisions of this Regulation, and all the provisions of this Regulation relating to occupants and registered occupants shall be applicable, so far as may be, to them.

Section 218, B. R. C.

Construction of this Regulation.

246. Nothing in this Regulation which applies in terms to unalienated land or to the holders of unalienated land only, shall be deemed to affect alienated land, or the rights of holders of alienated land, or of Government in respect of any such land, and no presumption shall be deemed to arise either in favor, or to the prejudice, of any holder of alienated land from any provision of this Regulation in terms relating to unalienated land only.

K. SHESHADRI IYER,
Dewan of Mysore.

SCHEDULE A.

(*Section* 2.)

1. Notification of the Government of India No. 83, dated Simla, the 30th April 1869, introducing into the Territories of Mysore, Bombay Acts I of 1865 and IV of 1868.
2. Notification of the Government of India No. 254, dated 27th August 1869, applying to the Territories of Mysore the provisions of Madras Act III of 1869.
3. Notification of the Government of India No. 123, dated the 26th June 1872, regarding the powers of Revenue Courts in the investigation of judicial cases.
4. Rules relating to recovery of rent by proprietors of sarvamanyam, jodi and kayamgutta villages, published with the late Chief Commissioner's Notification at page 87 of the *Mysore Gazette*, dated 1st May 1869, as altered by the late Chief Commissioner's Notification No. 180, dated the 3rd August 1871.
5. Notification of the late Commissioner relating to the rights of ryots of inam villages, dated 25th October 1843.
6. The late Commissioner's Circular Order No. 522—3, dated 8th June 1864.

SCHEDULE B.

(*Section* 4.)

Sections.....

.....

.....

of this Ragulation.....

SCHEDULE C.

FORM OF BOND TO BE REQUIRED UNDER SECTION 23.

Whereas I,
inhabitant of
have been appointed to the office of
and have been called upon to furnish security under the provisions of Section 23 of the Mysore Land Revenue Regulation for the due discharge of the trusts of the said office, or of any other office to which I may be hereafter appointed, and for the due account of all moneys, papers and other property which shall come into my possession or control by reason of any such office, I hereby bind myself to pay to the Government of Mysore, the amount of any loss or defalcation in my accounts, and to deliver up any papers or other property within such time, and to such person as shall be demanded by the person at the head of the office to which I belong, such demand to be in writing and to be left at my office or place of residence, and in case of my making default therein I bind myself to forfeit to the Government of Mysore the sum of Rupees

Dated (Signature.)

562

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

We
hereby declare ourselves sureties for the above said
that he shall do and perform all that he has above undertaken to do and perform, and in case of his making default therein we hereby bind ourselves to forfeit to the Government of Mysore such sum as shall be deemed sufficient by the
to cover any loss or damage which the Government may sustain by reason of such default.

Dated

(Signature.)

SCHEDULE D.

FORM OF WARRANT TO BE ISSUED BY THE DEPUTY COMMISSIONER UNDER SECTION 25 OR 172.

Seal.

To

The Officer in charge of the Civil Jail at

Whereas *A. B.* of was on the day of 188 , ordered by to (*here state the substance of the demand made*); and whereas the said *A. B.* has neglected to comply with the said order, and it has therefore been directed, under the provisions of Section of the Mysore Land Revenue Regulation, that he be imprisoned in the Civil Jail until he obey the said order or until he obtain his discharge under the provisions of Section 25 or 28 (*or Section* 172 or 179 *as the case may be*) of the said Regulation; you are hereby required to receive the said *A. B.* into the Jail under your charge and to carry the aforesaid order into execution according to law.

Dated this day of 188 .

(Signature.)

SCHEDULE E.

FORM OF BOND TO BE REQUIRED UNDER SECTION 28 OR 179.

Whereas I,
have been ordered by
to (*here state the nature of the demand*)
and whereas I dispute the right of the said to make the said order, I hereby bind myself to file a suit within fifteen days from the date of this bond in the District Court of to contest the justice of the demand, and do agree that in the event of a decree being passed against me I will fulfill the same and will pay all amounts, including costs and interests, that may be due by me, or that if I fail to institute a suit as aforesaid, I will, when required, pay the above-mentioned amount of Rupees (*or will deliver up the above-mentioned papers or property as the case may be*), and in the case of my making default therein, I hereby bind myself to forfeit to the Government of Mysore the sum of Rupees

Dated

(Signature.)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

We
hereby declare ourselves securities for the above said
that he shall do and perform all that he has above undertaken to do and perform, and in case of his making default therein we hereby bind ourselves to forfeit to the Government of Mysore the sum of
Rupees.

Dated

(Signature.)

SCHEDULE F.

(*See Section* 95.)

I.—FORM OF NOTICE TO BE GIVEN BY LAND-LORD TO TENANT TO QUIT.

To

A. B.

I do hereby give you notice that I do intend to enter upon, and take possession of the land (*here give the description*) which you now hold as tenant under me, and you are therefore required to quit and deliver up possession of the same at the end of this current year, terminating on the
of 188 .

(Signed.) *C. D.*

Dated this day of 188 .

II.—FORM OF NOTICE TO BE GIVEN BY TENANT TO LAND-LORD OF HIS INTENTION TO QUIT.

To

C. D.

I do hereby give you notice that I shall quit and deliver up to you, at the end of this current year terminating on the of 188 , the land (*here give the description*) which I hold from you

(Signed) *A. B.*

Dated this day of 188 .

SCHEDULE G.

FORM OF COMMISSION TO BE ISSUED TO A HOLDER OF ALIENATED LANDS OR VILLAGES OR HIS AGENT, UNDER SECTION 107.

The Government, by virtue of the powers vested in it by the Mysore Land Revenue Regulation, is pleased to confer on you (*Jahagirdar, &c., or Agent, &c., as the case may be,*) power to in (or in

respect of) the villages and lands specified in this Commission, in the manner prescribed in (or in Section of) the said Regulation.

The villages and lands over which the power thus conferred upon you extends, are as follows:—

(*Here enter the description.*)

The within delegated power is vested in you during the pleasure and subject to the recall, of the said Government of Mysore.

(Signed.)

SCHEDULE H.

(*See Section* 149.)

FORM OF SANNAD FOR BUILDING SITES.

Seal.

THE GOVERNMENT OF MYSORE.

To _____

Whereas the Government of Mysore, with a view to the settlement of the land revenue, and the record and preservation of proprietary and other rights connected with the soil, has, under the provisions of the Mysore Land Revenue Regulation, directed a survey of the lands within the of

and ordered the necessary inquiries connected therewith to be made, this Sannad is issued under Section 149 of the said Regulation to the effect that—

There is a certain plot of ground occupied by you in the division of the of registered No. in the map marked sheet

No. and facing towards the the road leading from to containing about square yards, and of the following shape and about the following dimensions:—

You are hereby confirmed in the occupancy of the above described ground, exempt from all land revenue (or subject to the payment of Rs. per annum to the land revenue.)

The terms of your tenure are such that your occupancy is both transferable and heritable, and will be continued by the Government of Mysore without any objection or question as to title, to whosoever shall from time to time be its lawful holder (subject only to the condition of the payment annually of the above land revenue according to the provisions of the Mysore Land Revenue Regulation or of any other law for the time being in force, and to the liability to have the said rate of assessment revised at the expiration of a term of years reckoned from the and thereafter at successive periods of years in perpetuity, and to the necessity for compliance with the provisions of the law from time to time in force as to the time and manner of payment of the said assessment, and to the liability of forfeiture of the said occupancy and of all rights and interests connected therewith in case of your failure to pay the said assessment as required by law.)

This Sannad is executed on behalf of the Government of Mysore, by and under the hand and seal of this day of one thousand eight hundred and A. D.

(Signed.)

565

SCHEDULE I.

FORM OF WARRANT TO BE ISSUED BY THE DEPUTY COMMISSIONER UNDER SECTION 218.

Seal.

To the Officer in charge of the Civil Jail at

Whereas *A. B.* of

has resisted (or obstructed) *C. D.* in removing *E. F.* (or himself, that is the said *A. B.*) from certain land in the village of in the Taluk, and whereas it is necessary, in order to prevent the continuance of such obstruction (or resistance), to commit the said *A. B.* to close custody; You are hereby required, under the provisions of Section 218 of the Mysore Land Revenue Regulation to receive the said *A. B.* into the Jail under your charge, and there to keep him in safe custody for days

Dated this day of 188 .

(Signature.)

STATEMENT OF OBJECTS AND REASONS.

The British Government intended to frame a Land Revenue Code for Mysore before the transfer of the administration to His Highness the Maharaja, but owing to various causes the measure had to be postponed. In December 1880, the Chief Commissioner reported to the Government of India as follows:—

"A formal Revenue Code, superseding the existing complicated rules on the subject, has yet to be framed; a recasting and codifying of the existing laws may also be required. The Chief Commissioner will do what he can in the matter within the next few months, but there can be no objection to the work being left to be completed by the Native Administration."

Accordingly, some time after the Rendition, (in the beginning of 1882,) the work was entrusted to a special officer who, after an examination of the rules existing in the Province and the laws elsewhere in force, submitted his proposals for a Mysore Revenue Code, and it was thereupon decided that such a Code might, with advantage, be based upon the Bombay Land Revenue Code, 1879, with such additions and modifications as local circumstances might render necessary.

This decision was chiefly due to the fact that the Bombay system of Revenue survey and settlement has been in force in the Province since 1869, and that the Rules framed under that system have been found to work satisfactorily.

The Revenue Law in Mysore is at present in a very unsatisfactory condition. It consists partly of Bombay Acts I of 1865 and IV of 1868 and of the Guarantees and Rules published thereunder, and partly of executive orders passed by the Chief Commissioner, either for general guidance or as decisions in particular cases. Whether such executive orders have the force of law is a question of considerable doubt and uncertainty. As an instance of such uncertainty, it may be mentioned that one of these executive orders gave to the Revenue authorities power to try and adjudicate upon cases involving proprietary and sub-proprietary title, and though the validity of such power has not been formally impugned, yet it has been held that civil courts have concurrent jurisdiction with Revenue tribunals in the cases above referred to. Again, the law relating to the acquisition of occupancy rights rests upon an executive order, the force of which is frequently called in question. The rules relating to the realization of land revenue and recovery of rent are imperfect. No definite procedure is laid down for Revenue officers in the investigation of matters requiring their decision, and no express rules exist as to the rights and obligations of land-lord and tenant. Under these circumstances, His Highness the Maharaja's Government are of opinion that the passing of a Land Revenue Code is a measure which is urgently required.

Such portions of the Draft Code as are based upon corresponding provisions of the Bombay Code call for no remark beyond the general one that they are in accord with the policy of the British Government as recognized in recent legislation for various parts of India.

Section 4 empowers the Government to appoint a Commissioner if hereafter considered necessary and to delegate to him the powers usually exercised by the Chief Controlling Revenue authority.

Section 17 affirms the existing obligation of holders of alienated villages to keep regular accounts and registers for their villages. Provision is also made for the deposit of

567

copies thereof with the Deputy Commissioner and for the preparation of such accounts and registers by Government agency when the Inamdars fail to keep or furnish them.

Sections 38 and 39 deal with encroachments on public roads and streets and protect Government rights to waste lands in towns and villages.

Section 40 saves the mining rights of Government, providing at the same time for compensation to be paid for surface rights of holders of land.

Sections 43 to 46 reproduce the existing rules as regards Government rights to forests and trees of the reserved kind.

Chapter VII deals with the rights and obligations of superior and inferior holders, and makes special provision for the protection of tenants holding alienated land under superior holders. In the absence of an express agreement, such tenants paying a rent in money are declared to have the rights of an occupant of unalienated land ; while other tenants, if continuously in occupation for 12 years, are declared to have a right of occupancy. Definite provision is made as to the grounds upon which the rents payable by such tenants are liable to enhancement or abatement, and as to the obligation of land-lords to grant written leases and of tenants to execute written reciprocal engagements, and for the mode of enforcing such obligation.

Chapter XIV declares what revenue matters are excluded from the jurisdiction of civil courts. It will be noted that under this Chapter the adjudication of proprietary rights will vest exclusively in civil courts, and that the only matters reserved for determination by Revenue authorities relate to the assessment of the Government revenue and its realization, and to the protection of tenant rights.

The Draft Code will be published in the official Gazette for public information.

K. SHESHADRI IYER,
Dewan of Mysore.

30th September 1883.